FSOR APPENDIX A: SUMMARY AND RESPONSE TO COMMENTS SUBMITTED DURING 45-DAY PERIOD

Response #	Summary of Comment	Response	Comment #s	Transcript or Bates Label (CCPA_45DAY_)
ARTICLE 1. GENERAL PROVISIONS				
§ 999.301. Definitions				
- Comments about definitions not included				
1.	Change the term "average consumer" to "typical consumer." "Average consumer" is not defined, and appears to be the same as "typical consumer," which is defined.	Accept in part. The OAG has revised the regulations to delete the word "average" in §§ 999.305(a)(2), 999.306(a)(2), 999.307(a)(2), 999.308(a)(2), and 999.315(b) and revised § 999.301 to delete the definition of "typical consumer," and thus, this comment is now moot.	W88-4	00624
2.	Requests a definition of "business" in the regulations.	No changes made in response to this comment. The definition of "business" that applies to these regulations is established by the CCPA at Civil Code § 1798.140(c).	W30-1	00108
3.	Comment requests a clarification of "business" to establish that merely receiving personal information as part of normal business operations does not contribute to the 50,000 threshold to be considered a "business."	No changes made in response to this comment. Civil Code § 1798.140(c) sets forth the definition of "business." Whether a business is "merely receiving personal information as part of normal operations" appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W157-5	01238, 01250
4.	Comment requests clarification of whether CCPA applies to not-for-profit organizations, such as credit unions, since they are not specifically included in the definition of "business" and do not meet the criteria of being "organized or operated for the profit of financial benefit of its shareholders or other owners."	No change has been made in response to this comment. Civil Code § 1798.140(c) sets forth the definition of "business." Whether non-profits or credit unions fall within the definition of "business" appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W131-2 W185-1 W203-4 OLA5-2 OLA9-1	01015-01016 01543 01668 LA 20:3-20:11 LA 28:25-29:18
5.	Comment seeks clarification of Civil Code § 1798.140(c)(1)(A) as to whether the $25 million threshold of annual gross revenues is from revenue generate solely from consumers (in California) or worldwide.	No change has been made in response to this comment. Civil Code § 1798.140(c)(1)(A) does not limit the revenue threshold to revenue generated in California or from California residents. Any proposed change to limit the threshold to revenue generated only in California or from California residents would be inconsistent with the CCPA.	W8-1 W21-2 W28-1 W61-23 W71-1 W108-5 W115-11	00014 00056-00057 00099-00100 00353 00509-00510 00816 00879

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			W151-15 W171-2 W186-15	01187 01423 01552
6.	Comment seeks clarification of Civil Code § 1798.140(c)(1)(B) to provide that the business threshold includes the personal information of 50,000 or more consumers, households, or devices in the state of California. Does the CCPA and the regulations apply to devices used in California and/or to those that belong to California residents? What about when the California resident is traveling outside of California or spends extended periods of time outside of California? Also, does a California consumer using multiple devices count as one or the number of devices towards the 50,000 threshold?	No change has been made in response to this comment. Civil Code §§ 1798.140(g) and (j) define "consumer" and "device," respectively. Section 999.301(k) defines "household." Although the definitions of "device" and "household" do not explicitly reference California, given the definition of "consumer" is a California resident, it would be unreasonable to conclude that a household or device subject to the CCPA would not have some nexus to a natural person who is a California resident. To the extent that the comments seek guidance for specific factual circumstances where a California resident is using multiple devices, etc., the OAG has not addressed this issue at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.	W8-1 W61-23 W137-2 W171-8 W191-1	00014 00353 01057 01424 01606
7.	Comment seeks clarification of Civil Code § 1798.140(c)(1)'s phrase "does business in the State of California." This lack of clarity leaves foreign corporations without guidance as to whether their level of activity in California constitutes "doing business." Needs further clarification.	No change has been made in response to this comment. In the absence of a specific definition, the phrase "does business in the State of California" should be given meaning according to the plain language of the words and other California law.	W21-3 W28-1 W45-1 W56-1 W56-6 W108-4 W136-1 W136-2	00057 00099-00100 00195-00196 00289-00290 00298 00816 01051 01051
8.	Are all companies that use Google ads, analytics, etc. subject to the CCPA if they make more than 50% of their annual revenue from selling ad space?	No change has been made in response to this comment. The comment raises specific legal questions that may require a fact-specific determination, which may include a determination regarding whether the business entity providing the company ads and/or analytics services is a service provider. The commenter should consult with an attorney who is aware of all	W203-3 OLA5-1	01668 LA 19:12-20:2

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		pertinent facts and relevant compliance concerns. The regulations provide general guidance for CCPA compliance.		
9.	Comment seeks clarification whether the business thresholds in Civil Code § 1798.140(c) operate on individual or group level where companies share same branding/have control (e.g., if only one of the companies does business in CA but all together meet the numerical thresholds).	No change has been made in response to this comment. The comment raises specific legal questions that may require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulations provide general guidance for CCPA compliance.	W21-1	00056
10.	Comment seeks specific guidance on all methods that would be allowed to identify a resident when someone is using a mobile application and whether those will be a safe harbor. Comment states businesses should be able to use IP address to determine if visitor is a California consumer and therefore has CCPA rights. Businesses should have a safe harbor for using this method to determine residency.	No change has been made in response to this comment. Nothing prevents a business from using a visitor's IP address to determine the location of that visitor for a valid business purposes. See, e.g., Civ. Code §§ 1798.140(d)(4), 1798.140(d)(7). Whether that method is reliable and definitive of residency raises specific legal questions that may require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulations provide general guidance for CCPA compliance.	W54-16 W105-1 W105-2	00268 00791 00791
11.	Comment states the law prevents California from treating out-of-state businesses more aggressively than in-state competitors. Therefore, the same three thresholds for enforcement of the statute should apply to out-of-state businesses that sell to California residents.	No change has been made in response to this comment. An out-of-state entity that sells to California residents and meets one of the three business thresholds is a business for CCPA purposes. The CCPA does not distinguish between the location of a business but rather whether that entity "does business in the State of California." See Civ. Code § 1798.140(c)(1).	W71-1	00509-00510
12.	Comment states out-of-state businesses that only collect de minimis amount of personal information from CA residents, or that don't target their services to CA residents, shouldn't be subject to CCPA.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. Civil Code § 1798.140(c)(1) sets forth the definition of "business." Whether an out-of-state business that collects de minimis amount of personal information or does not target their services to CA residents is a "business" requires a fact-specific	W98-13	00723

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		determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
13.	Comment seeks guidance on when the $25 million business threshold in in Civil Code § 1798.140(c)(1)(A) applies as a business is approaching that level of revenue or has recently achieved it.	No change has been made in response to this comment. The OAG has not addressed this issue at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.	W108-6 W151-16	00817 01187
14.	Comment objects to the 50,000 device business threshold in Civil Code § 1798.140(c)(1)(B).	No change has been made in response to this comment. Comment objects generally to portions of the CCPA that are not part of these regulations. Absent a specific comment regarding this regulation or the regulatory process, the OAG cannot provide a more specific response.	W108-7	00817
15.	Comment states that a regulation should clarify that an IP address or similar identifier alone could not be reasonably be used to identify an individual and thus is considered "deidentified" and not factored into the 50,000 thresholds in Civil Code § 1798.140(c)(1)(B).	No change has been made in response to this comment. Whether information is "personal information" is a fact-specific and contextual determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. In addition, the statutory definition of "personal information" is very broad and IP addresses are explicitly included in the definition of "unique personal identifier" in Civil Code § 1798.140(x). The Legislature also contemplated whether to create a wholesale exemption for IP addresses in AB 873 (2019) and rejected this proposal. To the extent it is applicable, the CCPA contains several provisions that do not require a business to collect, retain, or otherwise reidentify or link information if the information is maintained in a manner that would not be considered personal information. See Civ. Code §§ 1798.100(e), 1798.110(d), 1798.145(k).	W13-3 W78-1 W108-8 W138-1 W157-3 W159-1 W191-3 OLA11-1 OLA11-2 OLA16-1	00029 00552-00553 00817-00818 01063-01065 01249-01250 01288-01290 01606-01607 LA 36:20-39:6 LA 39:7-39:16 LA 54:12-55:22
16.	Comment seeks guidance as to how to proceed with records of a person who is not associated with a state of residence or it is difficult to	No change has been made in response to this comment. Civil Code § 1798.145(k) does not obligate a business to collect personal information it would not otherwise collect in the	W108-9 W115-12 W156-1	00818 00879-00880 01227-01228

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	determine residency. Commenter would like to determine residency without requiring additional data collection by the business to determine whether the user is a California resident.	ordinary course of its business. However, if a consumer demonstrates that they are a resident of California, the business should comply with the consumer's request.	W206-13	01697-01698
17.	Comment objects to the third business threshold in Civil Code § 1798.140(c)(1)(C) which provides that an entity shall be considered a business if it derives 50 percent or more of its revenue from the sale of personal information. Sale is defined in Civil Code § 1798.140(t) 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 by the business to another business or a third party for monetary or other valuable consideration." Commenter is concerned that the definition of "sale" and "valuable consideration" is too broad. Comment requests that the definition of "sell" be limited to only monetary consideration and that the "50 percent of revenue" required of the threshold be derived directly from the sale of personal information.	No change has been made in response to this comment. Comment objects generally to portions of the CCPA that are not part of these regulations. The comment's recommendations regarding definition of "business" are inconsistent with the statute's definition. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W108-10	00818-00819
18.	Under Civil Code § 1798.140(c)(1), parent companies and subsidiaries using the same branding are covered in the definition of "business," even if they themselves do not exceed the applicable thresholds. Commenter objects to this determination on the grounds that if the parent/subsidiary is itself a separate legal entity, it is fully entitled to be treated as a separate business. A similar comment requests that the OAG provide an exception to the CCPA	No change has been made in response to this comment. Comment objects generally to portions of the CCPA that are not part of these regulations. The comment's recommendation regarding the definition of "business" is inconsistent with the statute's definition. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W115-13 W188-7	00879 01577

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	for businesses whose only nexus is being under the same management or sharing common branding if they have no access to California personal information collected, used, or otherwise processed by the pertinent qualifying business.			
19.	Comment states OAG should clarify that CCPA requests may only be submitted by California consumers and a business may decline requests if it cannot reasonably verify residency.	No change has been made in response to this comment. The CCPA already provides that its enumerated rights are for consumers, which is defined in the statute. See Civ. Code § 1798.140(g). Article 4 of the regulations sets forth the requirements businesses must put in place with regard to verification.	W206-13	01697-01698
20.	Comment seeks clarification whether the CCPA applies if a website not designed to target California consumers uses website cookies to track traffic, without selling that data, and where not marketing any product to the consumer.	No change has been made in response to this comment. The comment raises specific legal questions that may require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W171-9	01424
21.	"Business purpose" is vague and needs further refinement. Specifically, the Attorney General should clarify whether the list of business purposes set forth in Civil Code § 1798.140(d) is exhaustive and should consider a broader definition that includes using personal information received from a person or entity to service another person or entity.	No changes made in response to this comment. The regulation is reasonably clear. The definition of "business purpose" is established by the plain language of the CCPA at Civil Code § 1798.140(c). The OAG has not addressed this issue of whether the list of business purposes is exhaustive at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on that issue.	W27-9 W108-12 W149-6 OLA6-3 OLA19-1	00094-00096 00820 01168 LA 24:25-25:17 LA 59:3-59:19
22.	The "business purposes" exception for using or sharing information, including for advertising, should be more limited in light of privacy scandals in advertising.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulations. The CCPA defines "business purposes" and identifies exceptions for personal information necessary for business purposes. The comment's recommendation to limit the "business purposes"	W3-4 W149-6	00007-00008 01168

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		exception is inconsistent with the statute's definition. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.		
23.	Comment seeks clarification of whether "business purpose" (Civ. Code § 1798.140(d)) is mutually exclusive with "commercial purpose" (Civ. Code § 1798.140(f)) and, if so, how to differentiate between the two terms.	No change has been made in response to this comment. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.	W131-3	01016
24.	The Attorney General should clarify that a "business collecting directly from the consumer" is only the company with which a consumer is intending to interact.	No change has been made in response to this comment. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.	W174-2 OSac7-5	01437, 01440-01441 Sac 31:2-31:4
25.	"Consumer" is not defined in these regulations. Seeks clarification of whether "consumer" includes "business-to-business relationships and data gathering for marketing." Comment suggests amending typical consumer to "natural person residing in CA" and not "residing in US".	No changes made in response to this comment. "Consumer" is defined in CCPA. See Civ. Code § 1798.140(g). The CCPA has been amended by AB 1335 to address the issue of business-to-business relationships. See Civ. Code § 1798.145(n). For more specific guidance, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The phrase "typical consumer" has been deleted in response to other comments, and thus, this part of the comment is now moot. See response #91.	W15-1 W94-2 OSF15-2	00032 00672-00673 SF 61:16-62:4
26.	Comment requests enumeration of a complete list of "data categories" and further definition of the term in § 999.301.	No change has been made in response to this comment. Because the term "data categories" is not used in § 999.301 or anywhere else in the regulations, it is unclear what the comment is asking the OAG to define. If comment is inquiring about the list of categories of personal information, Civil Code § 1798.140(o) provides examples of different types of personal information.	W203-5	01668

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27.	Give examples explaining the appropriate use of de-identified or aggregated information, including uses in testing.	No change has been made in response to this comment. The CCPA and the regulations are meant to apply to a wide range of factual situations and across industries. The OAG does not believe it will add clarity to provide examples of appropriate uses of de-identified or aggregated information and it would be too limiting to do so.	W115-34	00886
28.	Deidentified data is helpful to the auto industry and should be able to be used to benefit the consumer. Comment requests clarification that information is de-identified if it is maintained and used in a manner that does not reasonably support identification with appropriate physical, technical, and administrative safeguards.	No change has been made in response to this comment. The definition of "deidentified" is set forth in Civil Code § 1798.140(h). The comment's proposed definition is inconsistent with the statute's definition. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W50-4 W63-6	00230-00231 00368
29.	"Homepage" definition in Civil Code § 1798.140(l) states that it is the "the introductory page of an internet website and any internet web page where personal information is collected." Comment requests that the term be revised because the first part of the definition is redundant and it is not consistent with the common understanding of what a homepage is. Suggests changing definition to "the top-level page on a web domain or the introductory page of a thematically grouped set of web pages within a web domain."	No change has been made in response to this comment. This definition of "homepage" is set forth in Civil Code § 1798.140(h). The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W27-10	00096-00097
30.	Comment requests the OAG to define the terms "operation" and "set of operations" that are used in the definition of "processing" as set forth in Civil Code § 1798.140(q). The comment inquires whether a law firm's storage of personal information in the cloud would qualify as processing.	No change has been made in response to this comment. The terms "operation" and "set of operation" is reasonably clear based on their commonly understood meaning. The lack of other comments raising this issue indicate a lack of need for further clarification among the parties impacts by these regulations. Whether a law firm's storage of personal information in the cloud would qualify as processing appears to raise specific legal questions that would require a fact-specific	W198-4	01639

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		determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
31.	Supports OAG decision not to narrow the definition of "personal information."	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W80-1 W174-5 W174-6 W149-2 OSF9-3	00565-00566 01437, 01442 01437, 01442 01166 SF 39:24-40:6
32.	Please provide more elaboration of the definition of "personal information" and if that would extend to the entirety of customer communications. The regulations should provide an exemption for any company that does not sell consumer information for any reason and only uses the information it collects for internal purposes.	No change has been made in response to this comment. The definition of "personal information" is set forth in Civil Code § 1798.140(o). Whether "personal information" extends to the entirety of customer communications appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. As to providing an exemption for any company that does not sell consumer information for any reason and only uses the information it collects for internal purposes, such an exemption does not fall within any enumerated exception provided for by the CCPA. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W48-6	00219-00220
33.	"Personal information" is not defined in these regulations. Comments suggest various proposals to define or exclude information such as corporate contact information.	No change has been made in response to this comment. The definition of "personal information" is set forth in Civil Code § 1798.140(o).	W6-1 W94-2 W189-12 OSF15-2 OSF15-3 OSF15-4	00012 00672-00673 01586 SF 61:16-62:4 SF 62:5-62:21 SF 62:22-63:9
34.	"Personal information" should include both public and non-public data.	No change has been made in response to this comment. The definition of "personal information" is set forth in Civil Code § 1798.140(o) and it explicitly does not include publicly available information. See Civ. Code § 1798.140(o)(2). The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W3-2	00006-0007

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35.	"Personal information" is too broadly defined. Commenter is concerned about the broad definition of personal information and the requirement that a business identify all personal information reasonably capable of being linked to a consumer. Consumer requests will create privacy issues by requiring a business to connect disparate pieces of information to respond to the consumer request.	No change has been made in response to this comment. The definition of "personal information" is set forth in Civil Code § 1798.140(o). The CCPA also states that a business is not required to reidentify or otherwise link information that is not maintained in a manner that would be considered personal information. See Civ. Code §§ 1798.100(e), 1798.110(d)(2), 1798.145(k).	W43-4 W83-4 W157-3 W179-7 OLA10-4	00190 00586 01249-01250 01505 LA 35:11-35:19
36.	Comment requests clarification regarding whether the definition of "personal information" includes non-public communications and content which uses or is based on personal information, such as internally derived calculations (e.g., products and decisions generated by member companies' proprietary underwriting algorithms to offer capital to customers). Requests that these products be excluded.	No change has been made in response to this comment. Whether the non-public communications and content referenced in the comment falls within the definition of "personal information" appears to raise specific legal questions that would require a fact-specific determination. Businesses should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W160-11	01293
37.	Exempt from definition of "personal information" all publically available information from non-governmental sources to avoid violating first amendment.	No change has been made in response to this comment. The definition of "personal information" is set forth in Civil Code § 1798.140(o). To the extent general guidance regarding what constitutes "personal information" is sought, the OAG has not addressed this at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.	W184-2	01532, 01533-01534
38.	Distinguish between consumer marketing activities and legitimate business service outcomes that consumers consider valuable. If the definition of "personal information," which includes "inferences," is read broadly, it could ban all testing services.	No change has been made in response to this comment. The comment's proposed change is not effective in carrying out the purpose and intent of the CCPA, which creates new privacy rights for consumers that are not limited to consumer marketing activities. The CCPA defines "personal information" to include inferences only if those inferences are drawn from any of the	W115-9	00877-00878, 00899

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		information identified in Civil Code § 1798.140(o). Civ. Code, § 1798.140(o)(1)(K). Whether "inferences" by testing services falls within the definition of "personal information" appears to raise specific legal questions that would require a fact-specific determination. Businesses should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
39.	Issue interpretive guidance clarifying that vehicle-related data stored in association with Vehicle Identification Numbers and no other identifiers (such as name, account number, postal address, email address, telephone number, or SIM card number) are not considered consumer personal information.	No change has been made in response to this comment. The definition of "personal information" is set forth in Civil Code § 1798.140(o). Whether vehicle-related data is considered "personal information" appears to raise specific legal questions that may require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W63-6 OSF1-1	00368 SF 9:13-10:21
40.	Add new definition to § 999.301 for "excepted personal information," which means personal information not subject to CCPA requirements. Include throughout regulations that consumer rights under the CCPA do not encompass the excepted personal information. This would improve consumer understanding because otherwise a consumer may request to know some personal information only to learn that it is not covered by the CCPA after the business denies the request.	No change has been made in response to this comment. The CCPA already defines when personal information is subject to CCPA requirements, including at Civil Code § 1798.145. The exceptions under the CCPA may be fact-specific and businesses may determine on a case-by-case basis whether the personal information falls within an exception. The OAG does not believe that adding a definition for "excepted personal information" is necessary.	W135-2	01041, 01044
41.	The definition of "probabilistic identifier" is problematic because it is currently referred to as an *action*—namely, "the identification of the consumer or device itself." Civ. Code § 1798.140(p). Comment asserts that in reality, a probabilistic identifier is *information* that can lead to an identification of a consumer. The regulations should therefore clarify that a "probabilistic identifier" is information which can	No change has been made in response to this comment. Civil Code § 1798.140(p) defines "probabilistic identifier" and Civil Code § 1798.140(x) references "probabilistic identifiers that can be used to identify a particular consumer or device." The OAG does not believe it is necessary to make this clarification because it is already apparent by the use of the term in the CCPA. The lack of similar comments also demonstrates that there is no need to make this clarification.	W35-1	00127-00134

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	be used to identify or recognize a consumer or device, rather than the identification of the consumer or device itself.			
42.	Comment requests that the term "probabilistic identifiers" be excluded from the definition of "unique identifier/unique personal identifier," one of the categories of personal information, because "probabilistic identifiers" are merely predictive in nature and prone to inaccuracy. The current inclusion of "probabilistic identifiers" in the definition may lead to inadvertent disclosure of information to the wrong person or deletion of wrong information.	No change has been made in response to this comment. Civil Code § 1798.140(x) explicitly includes the term "probabilistic identifiers" within the definition of "unique identifier." The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W160-10	01293
43.	"Sale" is too narrowly defined and should be expanded to include situations such as, real-time bidding in online advertising, the passing of information for targeted advertising, any data transfer between unrelated companies.	No change has been made in response to this comment. Civil Code § 1798.140(t) defines the term "sale." Whether the particular situations raised in the comments constitute a "sale" raises specific legal questions that would require a fact-specific determination, including whether or not the parties involved are third parties or service providers. The proposed change to deem any data transfer between unrelated companies as a "sale" would be inconsistent with the definition set forth in the CCPA. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope. To the extent general guidance regarding what constitutes a "sale" is sought, the OAG has not addressed this at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.	W3-5 W82-1 W82-6 W149-7 W174-1 W174-3 W174-4 W205-3 OSF9-1 OSac7-1 OSac7-3 OSac7-4	00008 00580-00581 00582 01169 01437, 01440-01441 01440-01441 01437, 01440-01441 01688-01689 SF 38-24-39:10 Sac 29:11-29:21 Sac 29:35-30:5 Sac 30:21-31:1
44.	Commenter concerned that regulations do not have a definition of "sale." Specifically, concerned that the broad CCPA definition of sale	No change has been made in response to this comment. Civil Code § 1798.140(t) defines the term "sale" and § 999.301 explicitly adopts the definitions set forth in Civil Code § 1798.140	W52-1 OSF8-1 OSF8-3	00236-00238 SF 35:21-36:13 SF 36:17-37:19

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	in Civil Code § 1798.140(t)(1) will not be enforced.	for the purposes of the regulations. Comment's concern that the broad definition of "sale" will not be enforced is noted, but no specific change to the regulations is implicated by this concern.	OLA6-1	LA 23:22-24:9
45.	Provide a factor-based method to determine whether "valuable consideration" is provided to establish "sale" under the CCPA. The term "valuable" is ambiguous and subjective.	No change has made in response to this comment. The CCPA's use of the terms "valuable" and "consideration" are reasonably clear and should be understood by the plain meaning of the words.	W131-4	01016-01017
46.	Commenter request confirmation that "sale" does not include data shared between a Covered Entity and a Business Associate as defined under HIPAA.	No change has been made in response to this comment. The exceptions for medical information are already provided for under Civil Code § 1798.145(c). No further exceptions are necessary at this time.	W59-3	00315
47.	Clarify the definition of "sale," including whether use of website cookies shared with third parties are a sale, and whether consumers sharing personal information with licensed professionals (attorneys, CPAs, etc.) are considered a sale, and if so, whether the licensed professionals must sign contracts with each other not to sell personal information to put in place service provider relationships. Commenters requests that "sale" includes: (1) transactions where the personal information is the primary object of the sale and not merely incidental to the exchange, and (2) something that looks like a sale and not the mere acceptance of free services from another business. Commenters also request that "sale" not include: (1) disclosures of personal information unless disclosed for monetary or other valuable consideration, and (2) transfers of personal information by a regulated public utility to a state/local government, utility, or other entity even if there is compensation involved.	No change has been made in response to this comment. Civil Code § 1798.140(t) defines the term "sale." Whether the particular situations raised in the comments constitute a "sale" raises specific legal questions that would require a fact-specific determination, including whether or not there was monetary or other valuable consideration involved, the consumer directed the business to intentionally disclose the personal information, and whether the parties involved were service providers. The commenters should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The commenters proposed changes may not be consistent with the definition set forth in the CCPA. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope. To the extent general guidance regarding what constitutes a "sale" is sought, the OAG has not addressed this at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.	W17-1 W45-2 W68-5 W76-5 W113-2 W125-13 W142-8 W167-4 W169-3 W204-7 OSac10-3	00037 00196-00198 00421-00422 00542 00856 00971-00972 01091 01390 01405 01674, 01681 Sac 45:25-46:11

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48.	Further specify terms that appear in the CCPA's definition of sale including "collect," "disclose," and "valuable consideration."	No change has been made in response to this comment. Civil Code § 1798.140(e) defines "collect." The CCPA's use of the terms "disclose" and "valuable consideration" are reasonably clear as they are commonly used in business transactions.	W68-5 W115-10 W125-14 W131-4 W185-2 OLA6-2 OLA7-2	00421-00422 00878 00972 01016-01017 01543 LA 24:10-24:24 LA 26:7-26:1
49.	Comment asserts that the regulations do not address the exemptions to the definition of "sale" that are provided for in the CCPA. For example, the CCPA exempts the processing of personal information in certain specific contexts. The regulations should clarify this.	No change has been made in response to this comment. Civil Code § 1798.140(t) defines the term "sale" and § 999.301 explicitly adopts the definitions set forth in Civil Code § 1798.140 for the purposes of the regulations. Civil Code § 1798.140(t)(2) explicitly set forth what is exempted from the definition of "sale." To the extent additional guidance is sought, the OAG has not addressed this at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.	W167-3	01390, 01393
50.	Requests interpretive guidance that an automaker may share personal information with emergency responders or roadside assistance providers or make it available from the vehicle in emergency situations regardless of whether the consumer associated with the personal information has requested that the automaker not sell the personal information.	No change has been made in response to this comment. The definition of sale in Civil Code § 1798.140(t) requires that there be an exchange of "valuable consideration" between the business (automaker) and the third party (emergency responder). Emergency services do not involve an exchange of personal information for "valuable consideration."	W63-8 W91-1 OSF1-3	00370 00653-00654 SF 11:25-12:25
51.	Commenter suggests the addition of a definition for "webform" as used in the regulations. Proposes the definition as follows: "Webform" means any reasonable and easily accessible method made available by a business to consumers for the submission of consumer	No change has been made in response to this comment. In response to other comments, the OAG has modified the regulations using the term "webform" such that the term is no longer used. Thus, this comment is now moot.	W112-1	00829

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	requests through the business's website, mobile application, or other internet-connected device. This may include, but is not limited to, interactive buttons, links, tick-boxes, fields for entering personal information, or other reasonable methods that a consumer may use to submit a request to a business.			
52.	Commenter seeks further refinement of definitions of "business," "service provider," and "third party" by asking that OAG provide examples of each category.	No change has been made in response to this comment. Civil Code §§ 1798.140(c), (v), and (w) define the terms "business," "service provider," and "third party," respectively. The OAG has not provided examples of these terms at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether examples for these definitions is necessary.	W90-1 W154-4 OSF21-1	00645-00647 01203 SF 72:20-73:20
53.	Commenter requests that OAG use GDPR's definitions for "controller" and "processor" in CCPA.	No change has been made in response to this comment. Commenter's proposal is inconsistent with the text and structure of CCPA which does not use the terms "controller" and "processor." Although the proposal may assist some businesses that are compliant with GDPR, it would create confusion in light of the CCPA's significantly different terms and requirements and would not provide any added benefit to consumer.	W115-5	00875
54.	Comment requests new definition for "comply with federal, state, or local laws" and "legal obligation" under Civil Code § 1798.145(a)(1) to make clear that CCPA doesn't restrict or conflict with requirements and directives imposed by state agencies via formal or informal regulatory activities.	No change has been made in response to this comment. The comment proposes an interpretation that may be inconsistent with the mandates of CCPA, which provides an exception for federal, state, and local laws or other legal obligations. Whether an agency's formal or informal regulation, policy, or guidance is a legal obligation depends on the circumstances. See *Ramirez v. Yosemite Water Co*., Inc. (1999) 20 Cal.4th 785, 799; *Alvarado v. Dart Container Corp. of California* (2018) 4 Cal.5th 542, 556, as modified (Apr. 25, 2018). The OAG cannot implement	W113-1	00855-00856

Response #	Summary of Comment	Response	Comment #s	Transcript or Bates Label (CCPA_45DAY_)
		regulations that alter or amend a statute or enlarge or impair its scope.		
55.	Requests that regulations define "benefits" as used in Civil Code § 1798.145(h)(1)(C).	Accept. Added definition of "employment benefits" to regulations. See § 999.301(h) of modified regulations.	W37-1 OLA24-2	00143 LA 77:18-78:1
56.	Requests that regulations make clear that Civil Code § 1798(h)(1)(C)'s exemption for personal information used to administer benefits for employees is extended to insurance companies, third party administrators, and other related companies.	No change has been made in response to this comment. The OAG believes that plain text of the CCPA and regulations governing service providers makes the requested clarification unnecessary.	W37-2	00143-00144
57.	Requests that regulations make clear that that Civil Code § 1798(h)(1)(C)'s exemption for personal information used to administer benefits applies to beneficiaries of employees.	Accept. Beneficiaries have been included in definition of employment benefits. See § 999.301(h) of modified regulations.	W37-3 OLA24-4	00144 LA 78:2-78:11
- **§ 999.301(a)**				
58.	Supports definition of "affirmative authorization."	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W174-7	01442
59.	For consumers 13 years and older, § 999.301(a) mandates a two-step process whereby the consumer shall first, clearly request to opt-in and then second separately confirm their choice to opt-in. Mandating a two-step process can be cumbersome, disruptive, and confusing for consumers and overly prescriptive for businesses. It can prevent businesses from developing innovative consent flows based on extensive UX/UI research.	No change has been made in response to this comment. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. The purpose of defining this term is to provide clarity on the procedures regarding the sale of the personal information of minors set forth in these regulations and to avoid any confusion that may result from different understandings of the term. No change is warranted because the comment does not propose specific amendments to the proposed regulations that would serve the same function and are less burdensome. The comment also fails to demonstrate the highly burdensome nature of the two-step process proposed in the draft regulation.	W162-6 W190-3 W190-35	01320-01321 01589 01602

Response #	Summary of Comment	Response	Comment #s	Transcript or Bates Label (CCPA_45DAY_)
60.	Remove last sentence of § 999.301(a)'s definition of "affirmative authorization" requiring two-step process to opt-in for consumers 13 years or older and replace with filling out a form and checking box.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. Section 999.301(a)'s two-step process is necessary because it provides clarity to the definition of sale and of personal information of minors and ensures the proper handling of their personal information. See ISOR, p. 3.	W87-7	00619-00620
61.	Comment seeks guidance on what to do if a parent does not provide opt-in for sale consent.	No change has been made in response to this comment. Sections 999.330, 999.331, and 999.316 set forth the business's obligations with regard to a minor's opt-in to the sale of their personal information. A business that sells the personal information of minors shall establish, document, and comply with a reasonable method for obtaining the affirmative authorization of the minor, or the parent/guardian if the minor is under 13 years of age.	W203-9	01668
62.	Comment recommends separating subsection (a) into three sections for clarity.	No change has been made in response to this comment. OAG appreciates the comment, but the regulation is already sufficiently clear without the reorganization.	W209-1	01727
- § 999.301(c)				
63.	The definition of "authorized agent" is very ambiguous and needs to be clarified.	Accept in part. The OAG has modified the provision to make clear that "authorized agent" means a natural person or a business entity registered with the Secretary of State to conduct business in California that a consumer has authorized to act on their behalf subject to the requirements set forth in § 999.326. The regulation, as amended, is reasonably clear.	W42-4 W61-19	00182 00351-00352
- § 999.301(d)				
64.	The purpose of the CCPA including "categories of sources" is to inform consumers about where their personal information was obtained. The draft regulation implies broad categories that do not satisfy this purpose. The regulation should	Accept. The regulation has been modified to include a requirement that the categories be described with enough particularity to provide consumers with a meaningful understanding and with examples of specific types of sources.	W199-2	01645

Response #	Summary of Comment	Response	Comment #s	Transcript or Bates Label (CCPA_45DAY_)
	mirror level of detail required in the definition of "categories of third parties."			
65.	The definition of "categories of sources" is not helpful in a meaningful way.	Accept. The definition of "categories of sources" has been modified to clarify that businesses should describe sources from which they collect personal information with enough particularity to provide consumers with a meaningful understanding of the sources. See § 999.301(d).	W61-22 W174-8 W174-9	00353 01443-01444 01443-01444
66.	Remove "government entities" from the definition of "categories of sources." Amendments to the CCPA exempted publically available information, such as government records, from the definition of personal information. Businesses should not have to disclose that they received information from government entities from which public records are obtained.	Accept in part. Revisions have been made to reflect the amendments to the CCPA. See § 999.301(d). The definition of "categories of sources" has been modified to remove the phrase "from which public records are obtained." However, no change has been made in response to the request to strike "government entities," because there may be some information collected from government entities that is outside the definition of "publicly available" set forth in Civil Code § 1798.140(o)(2).	W61-22 W88-3 W173-3 W184-4	00353 00624 01430 01532, 01536-01537
67.	Where is there a complete list of source categories and their definitions?	No change has been made in response to this comment. To the extent that the comment is seeking a list of categories of sources, § 999.301(d) has been modified in response to other comments and this comment is now moot. See Response #64. To the extent that the comment advocates for a comprehensive list, the OAG does not believe that a static list benefits consumers or businesses because the regulation is meant to apply to many factual situations and across industries. A comprehensive list would not allow flexibility for new types of sources of information.	W203-6	01668
- **§ 999.301(e)**				
68.	Regulation suggests that third parties are entities that do not collect personal information directly from consumers. It excludes persons or entities that both collect information directly from consumers and by purchasing or obtaining it	Accept. The regulation has been modified to delete the language that third parties do not collect personal information directly from consumers.	W26-10 W97-10 W164-1 W174-8 W174-9	00079 00712-00713 01364-01365 01443-01444 01443-01444

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	from another business. The definition of "categories of third parties" should be revised to include entities that may collect personal information directly from consumers, in addition to obtaining or receiving personal information from another business.		W178-1 W188-2 W199-1 OSF10-1	01495 01573-01574 01644-01645 SF 42:1-43:23
69.	The determination of whether an entity is an internet service provider or social network should be based on the facts of each case. The broad regulatory designation of these types of entities as "categories of third parties" is misguided and factually inaccurate. Internet service providers usually collect data directly or may be considered service providers under the CCPA. Recommends that definition of "categories of third parties" not include any list of entity categories that are deemed to be categories of third parties.	No change has been made in response to this comment. The categories are drawn primarily from the National Telecommunications and Information Administration. See ISOR, p. 4. The examples provided are not comprehensive and businesses have discretion to determine who are third parties and to describe them differently provided that they are described with enough particularity to provide consumers with a meaningful understanding of the type of third party. Providing some examples is beneficial to consumers and businesses, particularly smaller businesses that lack privacy resources, by clarifying the categories they must identify.	W53-23 W190-2	00256 01589
70.	Regulation should be based on consumer expectation, rather than on whether business collects information directly from the consumer. Proposes modifying regulation to identify categories of third parties as businesses who are collecting personal information and with whom the consumer is not intentionally interacting.	No change has been made in response to this comment. The OAG has modified the provision in response to other comments, and this comment is now moot. See response #68.	W74-23 W74-24	00533 00533
71.	Regulation should be amended to clarify that kinds of entities that should be disclosed may change based on context in which personal information is collected. For example, a mobile app may collect directly from the consumer, but also as a third party.	No change has been made in response to this comment. The OAG has modified the provision in response to other comments, and this comment is now moot. See response #68.	W112-2	00829-00830

Response #	Summary of Comment	Response	Comment #s	Transcript or Bates Label (CCPA_45DAY_)
72.	Internet service providers (ISP) and social networks should be removed from definition of "categories of third parties" because they have a direct relationship with consumers.	No change has been made in response to this comment. The OAG has modified the provision in response to other comments, and this comment is now moot. See response #68.	W98-11	00723
73.	The definition of categories of third parties does not make sense for "the broader spectrum of businesses that collect personal information," particularly when personal information is not collected electronically.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. The categories are drawn primarily from the National Telecommunications and Information Administration, which worked with representatives from numerous businesses, industry organizations, and consumer and privacy advocates in putting together this list. See ISOR, p. 4.	W61-22	00353
74.	Regulations should clarify that any entity which qualifies as "service provider" under the CCPA is not considered a "third party."	No change has been made in response to this comment. Civil Code §§ 1798.140(v) and (w) define "service provider" and "third party," and § 999.301 explicitly adopts the definitions set forth in Civil Code § 1798.140 for the purposes of the regulations. The OAG has determined no further clarification is needed at this time.	W156-7	01231
75.	Sample categories listed in regulation should not be used because consumers will not be able to understand them. Research shows that the identified categories of third parties fared poorly. Instead, businesses should use terms that consumers can demonstrably understand.	Accept in part. The regulation has been modified to include a requirement that the categories be described with enough particularity to provide consumers with a meaningful understanding of the type of third party. This is the overriding principle that businesses must follow. As to the examples provided, the OAG believes that providing some examples is beneficial to consumers and businesses, particularly smaller businesses that lack privacy resources, by clarifying the categories they must identify.	W174-8 W174-9	01443-01444 01443-01444
76.	Remove "government entities" from the definition of "categories of third parties." Amendments to the CCPA exempted publically available information, such as government records, from the definition of personal information.	No change has been made in response to this comment. This regulation pertains to whom a business is sharing personal information. Personal information can be shared with government entities that would not fall within the definition of "publicly available" information as set forth in Civil Code § 1798.140(o)(2).	W184-5	01532, 01536-01537

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77.	Where is there a complete list of third party categories and their definitions?	No change has been made in response to this comment. To the extent that the comment is seeking a list of categories of third parties, § 999.301(e) provides examples of third parties. To the extent that the comment advocates for a comprehensive list, the OAG does not believe that a static list benefits consumers or businesses because the regulation is meant to apply to many factual situations and across industries. A comprehensive list would not allow flexibility for new or different types of third parties.	W203-7	01668
- **§ 999.301(g)**				
78.	Modify definition of "financial incentive" to add "collection" and replace "deletion" with "retention" in list of activities payments may serve as compensation for.	Accept. The definition of "financial incentive" has been modified. See § 999.301(j).	W74-18 W74-19	00531 00532
79.	The definition of "financial incentive" is overbroad because it describes payments or other benefits made in relation to the collection, retention, or sale of consumers' data. The definition should be aligned more closely with the definition of "financial incentive" in the CCPA.	No change has been made in response to this comment. The definition of "financial incentive" tracks the rights established in the CCPA and conforms closely to the activities described in Civil Code § 1798.125(b)(1), which provides that "[a] business may offer financial incentives, including payments to consumers as compensation, for the collection of personal information, the sale of personal information, or the deletion of personal information." Retention is merely the opposite of deletion and is the appropriate word in the grammatical context of the regulation.	W186-28	01555-01556
- **§ 999.301(h)**				
80.	Comment states "household" definition is problematic because a single dwelling may contain CA residents and non-CA residents. Commenter is unsure whether this would mean the entire dwelling is no longer a household under the CCPA.	Accept. The definition of "household" has been modified to require that all members are residents to be part of a household request. This clarifies that persons in the dwelling are only included in the household if they are California residents.	W38-1 W78-2 W54-14 OLA11-3	00147-00148 00553 00267 LA 39:17-39:24

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81.	"Household" definition is confusing. Commenter is concerned that businesses are required to release household information without a means of verifying the identity of the requestors.	Accept. The definition of household has been modified to clarify who are the members of the household (§ 999.301(k)) and the verification process needed to release or delete household data (§ 999.318).	W43-5 W83-5	00190 00586
82.	The definition of "household" is problematic because it allows for persons who "occupy" a dwelling only temporarily to exercise CCPA rights. Commenters suggests various definitions of "household" that include "a person or group of people [residing at a single dwelling]," "two or more consumers occupying the same residential address as their primary residence and that share common access to a device or service provided by a business," "any two or more people (not necessarily including a householder) residing together, and related by birth, marriage, or adoption" per U.S. Census. Commenters also suggest modifying definition to only allow parents/guardians to request data on behalf of minors.	Accept in part. The definition of household has been modified to clarify who are the members of the household (§ 999.301(k)) and the verification process needed to release or delete household data (§ 999.318). The modified definition of "household" requires a strong connection between persons who (1) reside at the same address, (2) share a common device or the same service provided by a business, and (3) are identified by the business as sharing the same group account or unique identifier. These factors reduce the likelihood that a member of the household is just temporarily occupying a dwelling. They must reside at the same address. Section 999.318 has also been modified to clarify that verified parents must make household requests on behalf of minors under 13 years of age. Other changes proposed by the comments were not adopted because they do not establish a sufficient nexus between persons for purposes of requests to know and delete household information, and do not strike an an appropriate balance for protecting the privacy of persons who compose the household.	W45-28 W57-2 W62-1 W91-4 W91-5 W99-1 W100-3 OSac9-1	0206-00207 00302 00357-00359 00656-00657 00657 00726-00727 00733-00734 Sac 35:22-36:2
83.	Commenter is concerned that the definition of household violates the federal Fair Debt Collection Practices Act (15 U.S.C. §§ 1692, *et seq*.). 15 U.S.C. § 1692c(b) prohibits a debt collector from communicating about a consumer's debt to third parties without the consumer's prior consent. The concern is that the aggregate household data requests would allow debt collectors to circumvent this requirement. Commenter suggests creating a	No change has been made in response to this comment. Civil Code § 1798.145(a)(1) provides that the CCPA shall not restrict a business's ability to comply with federal, state, or local laws.	W45-29	00207-0208

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	CCPA exemption for items that would violate federal and state laws.			
84.	Commenter is concerned the definition of "household" violates COPPA because if a household contains a child under 13 only a verified parent can obtain the child's personal information. There is currently no requirement that a person requesting household data is a verified parent for a minor under 13.	Accept. Section 999.318(c) has been added to incorporate the verifiable parental consent of COPPA into household requests.	W87-4	00618
85.	Comment states the definition of "household" is problematic because it does not discuss which member of the household has authority to make CCPA requests. Commenter requests clarification on who may make the requests.	No change has been made in response to this comment. The regulations provide that a request must be made either through unanimous consent of household members or via a password-protected account. Both methods obviate the need for a specified person in the household to have the authority to make a request.	W171-3	01423
86.	Comment contends the definition of "household" is too narrow. It should also include "members of shared communications services accounts or plans who may not occupy a single dwelling.	No change has been made in response to this comment. A broader definition of household could risk the privacy of persons who are only tenuously related. The OAG has determined that no further clarification is needed at this time.	W178-9	01499
- § 999.301(j), (p), and (q)				
87.	Revise definitions of "notice of right to opt-out," "request to opt-out," and "request to opt-in" to adopt more specific references to each type of opt-out or opt-in. Comment notes that the term "opt-in" is used in two different contexts – sales of personal information and financial incentive programs. Opting-out also applies to different scenarios. Consumers may be easily confused.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The regulations used these terms to follow the CCPA's language. Businesses are capable of labeling their CCPA options in a manner that is understandable to consumers.	W162-8	01322
- § 999.301(l)				
88.	The definition of "price or service difference" should include language that if an individual working for a broker or provider as a business	No change has been made in response to this comment. The comment does not provide evidence or support for the assertion that this language is necessary. The regulation is meant to apply	W69-21 W123-13	00453 00958

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	partner opts-out of the sale of personal information, this will not prevent the continued relationship with a business.	to a wide range of factual situations and across industries. Modifying the definition of a general term like "price or service difference" to account for a specific situation would add complexity to the rules without providing identifiable benefits.		
- § 999.301(n)				
89.	Definition of "right to know" is inconsistent with the CCPA. Section 999.301(n) states that a consumer has a right to access PI that a business "has" about the consumer. CCPA only states that a consumer has a right to access the personal information a business collected from a consumer. See Civ. Code §§ 1798.100, 1798.105. The regulation should conform to the statute.	Accept. The regulation has been updated to conform to the CCPA language concerning the right to access personal information in Civil Code §§ 1798.100 and 1798.105.	W55-1 W60-15 W152-5	00274 00327-00328 01195
90.	Definition of "right to know" under § 999.301(n) is concerning. It lumps one request into different categories, sources, and a variety of different requests. It would be preferred if each subsection (1) through (6) were separately defined. Also, subsections (2) through (6) should be addressed through a notice so it is standardized across the board for all consumers.	No change has been made in response to this comment. The six subsections of § 999.301(n) are derived directly from the CCPA. See Civ. Code §§ 1798.110(a), 1798.115(a). They must be included in any response to a request to know. Comment's proposal to define the six items and to allow items (2) through (6) to be treated through a notice would be inconsistent with CCPA.	W69-20 W123-13	00452 00958
- § 999.301(s)				
91.	The definition of "typical consumer" in the regulations is overbroad and incongruous with the definition of "consumer" provided in Civil Code § 1798.140(g).	No change has been made in response to this comment. The OAG has deleted the definition because it acknowledges that the term may be confusing or vague as defined, and thus, this comment is now moot.	W99-3 W162-9	00728-00729 01322-01323
92.	The definition of "typical consumer" does not acknowledge the long used "average" or "reasonable" consumer standard provided by the FTC. The "typical consumer" definition should be harmonized with the "average consumer" definition and, like "average consumer," should	No change has been made in response to this comment. The OAG has deleted the definition because it acknowledges that the term may be confusing or vague as defined, and thus, this comment is now moot.	W151-1	01182

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	reflect the FTC's "reasonable consumer" standard.			
93.	OAG should amend "typical consumer" to refer to the "average" American consumer of that particular business. Without this clarification, businesses will be able to cherry-pick which of their consumers to use to justify their calculations. Given that some consumers are less profitable than others, allowing businesses to select only those consumers for purposes of calculating the value of consumer data would undermine the intent of the law.	No change has been made in response to this comment. The OAG has deleted the definition because it acknowledges that the term may be confusing or vague as defined, and thus, this comment is now moot.	W74-20	00532
- § 999.301(u)				
94.	Definition of "verify" does not cover the case where a parent may "request to delete" information for their children, or a guardian may "request to delete" information about the person they manage. Should revise to say: "Verify" means to determine that the consumer making a "request to know" or "request to delete" is the consumer about whom the business has collected information, or is the parent or legal guardian of the consumer.	Accept. The substance of the proposal has been incorporated into the modified regulations at § 999.301(x).	W209-2	01727
ARTICLE 2. NOTICES TO CONSUMERS				
Comments Generally about Notices				
95.	Supports the regulations because they clearly set forth that there is a difference between a privacy policy and a privacy notice. The regulations make it clear that the privacy policy is static and all-inclusive, while the notice is designed to support "just-in-time" individual interactivity.	The OAG appreciates this comment in support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W29-1	00102-00103

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96.	Supports the regulations because: (1) they define and specify three notices designed to better inform the consumer and obviate the "click the I AGREE box or go away" model for transparency at consumer touchpoints; (2) they set forth the need for notices to be in plain, straightforward language, avoiding technical and legal jargon, in a readable format (including on smaller screens), accessible to consumers with disabilities, and useful with venue signage; and (3) the resulting "performance-based" notice design raises the bar for privacy regulation.	The OAG appreciates this comment in support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W29-2	00103
97.	Provide guidance on the meaning of "easy to read and understandable to the average consumer." Regulations should address both the detail and clarity of notices and not be misleading.	No change has been made in response to this comment. Section 999.305(a)(2) and its subsections are reasonably clear and provide the necessary guidance to ensure that the notices are provided in a manner that makes it easily accessible and understandable to consumers. An easy to read and understandable notice would implicitly not be misleading. For the reasons stated in the ISOR, the regulations provide businesses with discretion to determine the best way to communicate the required information and provide them with the flexibility to craft the notices and privacy policy in a way that the consumer understands them. ISOR, pp. 42-43.	W31-2 W57-5 W199-4	00111 00303 01646
98.	Seeks clarification of the notice requirements on accessibility for persons with disabilities.	Accept. Sections 999.305(a)(2)(d), 999.306(a)(2)(d), 999.307(a)(2)(d), and 999.308(a)(2)(d) have been modified to provide guidance, including standards on how to make notices accessible to persons with disabilities.	W38-2 W41-1 W45-4 W45-11 W57-27 W177-4 W78-3 W140-9 W166-8 W188-8	00148 00176 00199 00201 00308 01482 00553-00554 01081 01385 01577-01578

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			W188-9 W188-10 W188-11 W196-12 W196-13 W196-14 W196-15 OSac5-9 OLA 13-1 OSF22-4	01577-01578 01577-01578 01577-01578 01629-01630 01629-01630 01629-01630 01629-01630 Sac 39:12-40:1 LA 45:23-46 SF 79:3-79:10
99.	Provisions on accessibility to consumers with disabilities goes beyond what may be reasonable in every circumstance, particularly for small and medium businesses with fewer resources. Requests clarification that the accessibility requirement be reasonable, not infallible.	Accept in part. Sections 999.305(a)(2)(d), 999.306(a)(2)(d), 999.307(a)(2)(d), and 999.308(a)(2)(d) have been modified to state that the notices and privacy policy be reasonably accessible to consumers with disabilities. These sections also provide specific guidance, including standards on how to make notices accessible to persons with disabilities.	W147-4	01125
100.	Seeks clarification of the terms "accessible" and "disabilities" as used in the notice requirements, and seeks to limit the requirements to visual disabilities, mirroring requirements of the Americans with Disabilites Act, and defining "disabilities" based on other state laws.	No change has been made in response to this comment. Civil Code § 1798.185(a)(4)(6) states that the notices and information are to be accessible to consumers with disabilities, without limiting the types of disabilities. To address concerns regarding the burdens on businesses to provide accessibility to consumers with disabilities, §§ 999.305(a)(2)(d), 999.306(a)(2)(d), 999.307(a)(2)(d), and 999.308(a)(2)(d) have been modified to state that the notices and privacy policy be reasonably accessible to consumers with disabilities.	W69-28 W88-5 W99-2 W123-13 W145-1 W177-1 W177-2 W177-3 W177-4	00456 00624-00625 00728 00958 01107-01108 01482 01482 01482 01482
101.	Suggests requiring that the information on how a disabled consumer may access the notices in an alternate format be accessible.	No change was made in response to this comment. The regulations require that the notices and privacy policy be reasonably accessible to consumers with disabilities. The OAG interprets this provision as extending to information on how a disabled consumer may access the notices in an alternate format.	W140-9	01081
102.	Producing paper copies of notices required by §§ 999.306, 999.307 and 999.308 will be a waste of	No change has been made in response to this comment. There is no requirement that the notices be given in paper. The business	W31-3	00111-00112

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	resources and was not included within Economic and Fiscal Impact Statement. Comment suggests permitting all notices to be available exclusively online, even when consumer begins the relationship with the business in person.	has discretion to determine the appropriate manner in which to provide the notices, which are required by the CCPA. The regulations provide guidance and include examples, which include options to provide notice orally or through posted signage. See §§ 999.305(a)(3)(c), 999.305(a)(3)(d), 999.306(b)(2). Accordingly, the cost of producing paper copies did not need to be included within the Economic and Fiscal Impact Statement. The comment's proposed change is not as effective as the regulations proposed by the OAG. Consumers must be informed of the information required by §§ 999.306, 999.307 and 999.308 at the relevant time when the transaction or opt-in occurs or when the relationship with the business begins. Providing these notices online after the fact will not achieve these goals. Moreover, the regulations are meant to be robust and applicable to many factual situations and across industries. Prescribing solely one manner to provide notice is not beneficial to either the consumer or business.		
103.	Define the term "conspicuous" (used in §§ 999.305(a)(2)(e), 999.308(a)(3), and 999.315(a)) and/or give examples because it is not defined and is not clear how the OAG expects a "conspicuous link" to be presented.	Accept in part. The meaning of "conspicuous" is reasonably clear based on the plain meaning of the word. However, the OAG has amended the regulations so that §§ 999.305(a)(3), (a)(4), and 999.308(b) provide guidance and illustrative examples of how to provide the notice in various contexts.	W145-2	01108
104.	The regulations further introduce a process for businesses to give notices in person, which is concerning for small business owners who might not have the bandwidth or expertise to comply with the process.	No change has been made in response to this comment. The regulations provide the business with discretion in determining the best way to communicate the required information and provides them with the flexibility to craft the notices and privacy policy in a way that the consumer understands them. The regulations provide guidance and include examples, such as the option to provide notice orally or through posted signage. See §§ 999.305(a)(3)(c), 999.305(a)(3)(d), 999.306(b)(2). The regulations are meant to be applicable to many factual situations and across industries. In drafting these regulations, the OAG had considered and rejected a more prescriptive approach in the	W179-9	01505

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		format and method by which businesses provide consumers the privacy policy required by the CCPA. See ISOR, pp. 42-43.		
105.	Clarify that all required notices may be provided in a privacy policy because: (1) the regulations do not clearly state whether this is permissible; (2) it is difficult to figure out how best to comply with the notice requirements if the notice requirements are not simplified to one type of notice, displayed in one place; (3) requiring separate notices and a privacy policy is inconsistent with Civil Code § 1798.130, which acknowledges that the online privacy policy constitutes notice at collection; and (4) having multiple notices is duplicative.	No change has been made in response to this comment. The OAG disagrees with the comment's interpretation of the CCPA because Civil Code § 1798.130 speaks to disclosing and delivering information in response to a request to know, not the contents of a notice at collection. The CCPA requires that consumers be given a notice at collection, notice of right to opt-out, and notice of financial incentive. These requirements are separate and apart from the CCPA's requirements for the disclosures in a privacy policy. See Civ. Code §§ 1798.100(b), 1798.105(b), 1798.120(b), 1798.130(a)(5), 1798.135. Nothing in Civil Code § 1798.130 indicates that the online privacy policy constitutes notice at collection. The regulations provide guidance regarding the form, content, and posting of the notices, as well as the privacy policy. See §§ 999.305, 999.306, 999.307; ISOR, pp. 8-12. Businesses have the discretion to also have all the information contained in the different notices in one place through the privacy policy. However, this does not absolve the business from complying with its statutory requirements to separately provide a notice at collection, notice of right to opt-out, and notice of financial incentive. In addition, Civil Code § 1798.135(a)(1) requires that the business provide the Do Not Sell link on the business's Internet homepage and Civil Code § 1798.140(l) defines "homepage" to mean the introductory page of an internet website and any internet webpage where personal information is collected. The regulations are meant to be applicable to many factual situations and across industries. The OAG has determined that prescribing the manner and format in which businesses provide notices and its privacy policy to consumers may not best facilitate the comprehension of these disclosures. See ISOR, pp. 42-43. The regulations provide the business with discretion in determining the best way to	W55-7 W55-8 W57-4 W60-30 W60-33 W61-4 W96-3 W97-6 W129-6 W130-1 W141-5 W168-8 W177-8 W206-4 W206-5 W206-7 W206-8	00279-00280 00280-00281 00302-00303 00338-00339 00340-00341 00345-00346 00685-00686 00700-00705 01007 01013 01082 01400 01484-01485 01694 01694 01694 01694

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		communicate the required information within the CCPA's requirements and provides them with the flexibility to craft the notices and privacy policy in a way that the consumer understands them.		
106.	The notice and privacy policy requirements result in notices and privacy policies that: ▪ are prescriptive; ▪ are repetitive and over-inform consumers; ▪ are too lengthy, particularly when added to the various other privacy regulations to which businesses are subject; ▪ contradict the trend toward shorter notices; ▪ increase the cost and burden of compliance; ▪ unnecessarily bombard consumers with annoying multiple notices; ▪ confuse consumers. The Attorney General should consider ways to promote concise, relevant, and effective transparency. Comments suggest that the Attorney General take the same flexible approach that the GDPR took and allow controllers to undertake their own analysis of the nature, circumstances, scope, and context of the process of personal data which they carry out and decide how to provide the disclosure. Businesses should be allowed to streamline the required notices and utilize modern tools such as privacy dashboards, layered notices, and inline videos and controls. Another comment suggests	No change has been made in response to this comment. The comments' proposed changes are not more effective in carrying out the purpose and intent of the CCPA, not more cost effective to affected privacy persons, and not more effective in implementing the statutory policy. The CCPA sets forth specified requirements for the required notices and privacy policy that are distributed among different sections of the CCPA and that differ from the GDPR. See Civ. Code §§ 1798.100(b), 1798.105(b), 1798.120(b), 1798.135, 1798.130(a)(5). For the reasons set forth in the ISOR and FSOR, the OAG has determined that the regulations regarding the required notices are necessary to implement the CCPA and to inform consumers of their rights under the CCPA. See ISOR, pp. 8-14, 28; FSOR, §§ 999.304 – 999.308, 999.317(g)(2)-(4). The regulations give businesses a significant amount of discretion regarding the manner and format of the required notices and focus on performance-based approach, calling for the notices to be designed and presented in a way that makes them easy to read and understandable by consumer. ISOR, pp. 8, 10, 11, 13, 42, and 43. The OAG has made every effort to draft regulations that both comply with the CCPA and do not result in notices and privacy policies that are prescriptive, repetitive, or too lengthy. It has made efforts to limit the burden and costs of the regulations while implementing the CCPA. For example, a business that collects personal information from a consumer online, operate a website, or offers the financial incentive or price or service difference online may give the required notices by providing a link to the section of the business's privacy policy that contains the required information. See §§ 999.305(c), 999.306(b)(1), 999.307(a)(3). The regulations	W34-1 W60-33 W61-1 W61-3 W73-5 W87-8 W97-6 W101-25 W129-4 W130-2 W130-1 W154-6 W162-5 W186-18 W186-20 OLA3-1 OLA14-1 OLA20-2 OLA23-2 OFres2-2 OSF21-2	00124 00340-00341 00344 00345 00515-00516 00620 00700-00705 00746 01006-01007 01013-01014 01013 01203 01319-01320 01553 01553 LA 12:12-13:9 LA 50:9-52:4 LA 61:21-62:6 LA 73:17-74:17 Fres 14:1-14:22 SF 73:21-74:8

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	that §§ 999.305 and 999.308 be deleted in their entirely or replaced with just the language of Civil Code § 1798.185(a)(6).	provide the business with discretion in determining the best way to communicate the required information within the CCPA's requirements and provides them with the flexibility to craft the notices and privacy policy in a way that the consumer understands them. Businesses are free to utilize modern tools within the framework provided for by the regulations.		
107.	Supports the regulation because it clarifies that the business's notice at collection can be included as part of the business's privacy policy.	No change has been made in response to this comment. To the extent that the comment is referring to § 999.305(c), which allows businesses that collect personal information from a consumer online to give the notice at collection by providing a link to the section of the business's privacy policy that contains the required information, the OAG appreciates this comment of support. The comment concurred with the proposed regulations, so no further response is required. However, if the comment is stating that the notice at collection can be included in the business's privacy policy in all circumstances, the comment misinterprets the regulations. Civil Code § 1798.100(b) requires businesses to provide consumers a notice at collection "at or before the point of collection." Section 999.305 explains that this means that the notice should be readily available where consumers will encounter it at or before the point of collection of any personal information and provides various examples of how this can be done in different contexts. See § 999.305(a)(3). To the extent that the business collects the personal information offline, simply posting the required information in a privacy policy may not be sufficient. The commenter should review § 999.305 in its entirety.	W147-1	01122-01123
108.	Businesses should be allowed to post required notices and information in their mobile application's hamburger menu or gearbox rather than on the download or landing page.	Accept. Section 999.305(a)(3)(b) has been added, and §§ 999.306(b)(1) and 999.308(b) have been modified, to state that a business that collects personal information through a mobile application may provide a link to the notice within the application, such as through the application's setting menu.	W54-5	00261

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109.	Requests guidance on how to accurately explain legal rights and obligations without using at least some legal language or technical jargon to describe their processing.	No change has been made in response to this comment. The regulations are reasonably clear and the OAG does not believe additional guidance is necessary. In drafting these regulations, the OAG had considered and rejected a more prescriptive approach in the format and method by which businesses provide consumers the privacy policy required by the CCPA. ISOR, p. 42. The OAG has reasoned that prescribing the manner and format in which businesses provide notices to consumers may not best facilitate the comprehension of these notices and the privacy policy. See ISOR, pp. 42-43. The regulations provide the business with discretion in determining the best way to communicate the required information and provides them with the flexibility to craft the notices and privacy policy in a way that the consumer understands them.	W160-1 W160-3 W115-8	01292 01292-01293 00876
110.	Establish a detailed and standardized system to classify the terms used in the notices and privacy policy to describe categories of entities, types of personal data, and purposes of data use; and test the language to ensure comprehensibility to consumers.	No change has been made in response to this comment. In drafting these regulations, the OAG had considered and rejected a more prescriptive approach in the format and method by which businesses provide consumers the privacy policy required by the CCPA. ISOR, p. 42. The OAG has reasoned that prescribing the manner and format in which businesses provide notices to consumers may not best facilitate the comprehension of these notices and the privacy policy. ISOR, pp. 42-43. The regulations provide the business with discretion in determining the best way to communicate the required information and provides them with the flexibility to craft the notices and privacy policy in a way that the consumer understands them.	W174-9 W174-10	01443-01444 01443-01444
111.	Clarify discrepancies between the content of required notices and the content of privacy policies. Section 999.305(b)(1) requires a forward-looking disclosure but § 999.308(b)(1)(d)(1) requires the disclosure of categories of personal information collected in the preceding 12 months.	No change has been made in response to this comment. The regulations are reasonably clear. The CCPA sets forth the requirements for the notice at collection of personal information and the privacy policy, and the regulations conform to those requirements. See Civ. Code §§ 1798.100(b), 1798.130(a)(5)(B), 1798.130(a)(5)(C). These notices are distinct from each other and have different requirements. The OAG cannot implement	W60-33	00340-00341

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		regulations that alter or amend a statute or enlarge or impair its scope.		
112.	Clarify that compliance with the CCPA would not require businesses to translate disclosures. In the event that any notices must be translated, provide approval of disclosure forms in acceptable language translations.	No change has been made in response to this comment. In response to other comments, §§ 999.305(a)(2)(c), 999.306(a)(2)(c), 999.307(a)(2)(c), and 999.308(a)(2)(c) have been modified to state that the required disclosures shall be available in the languages in which the business in its ordinary course provides contracts, disclaimers, sales announcements, and other information to consumers in California. Civil Code § 1798.185(a)(6) requires the OAG to adopt regulations to ensure that businesses make available required notices in the language primarily used to interact with the consumer. The comment's proposal would not be as effective in carrying out this purpose. The comment also does not provide evidence or support for the need for approval of disclosure forms in language translations. The content of notices and disclosurs will vary among businesses, and businesses that in the ordinary course provide materials and information in different languages should be able to accurately translate their notices and disclosures.	W45-3 W45-9 W45-10	00198-00199 00201 00201
113.	Clarify how to apply the language requirement to financial institutions. For example, financial institutions may take assignment of installment sales contracts negotiated in other languages. Such contracts should not drive the languages for the financial institution's notices and policies, particularly if the underlying contracts are subject to the GLBA exemption.	No change has been made in response to this comment. The provisions (§§ 999.305(a)(2)(c), 999.306(a)(2)(c), 999.307(a)(2)(c), and 999.308(a)(2)(c)), as amended, require the notice to be available in the languages in which the business in its ordinary course provides contracts, disclaimers, sale announcements, and other information to consumers in California. The provisions are reasonably clear that the requirement depends on the languages in business the business in its ordinary course provides in certain documents and communications to consumers in California. To the extent that the comment refers to the GLBA exemption, the OAG notes that the CCPA exemption in Civil Code § 1798.145(e) covers personal information collected, processed, sold, or disclosed pursuant to the GLBA or the CFIPA, which is a fact-specific determination.	W57-27	00308

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		The commenters should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
§ 999.305. Notice at Collection of Personal Information				
- § 999.305 generally				
114.	Supports the regulation because it clearly states the requirement for Notice at Collection of Personal Information prior to collecting personal information.	The OAG appreciates this comment in support. In response to other comments, the regulation has been modified to conform to Civil Code § 1798.100(b), stating that the notice is to be given "at or before the point of collection." See response #134; FSOR, §§ 999.305(a)(1), 999.305(a)(3), 999.305(a)(7).	W29-2 W74-34 OSac5-1	00103 00536 Sac 22:12:22:20
115.	Revise this provision to exempt personal information that is provided directly by the consumer and the consumer is aware of the purposes for which the information will be used and to apply only when a consumer would not expect the personal information to be collected or would not expect the purposes for which the information would be used.	No change has been made in response to this comment. The comment's proposed change is inconsistent with the language of the CCPA. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W48-1 W60-31	00216-0017 00339
116.	Requests guidance regarding what the Attorney General would consider collecting information "directly" from consumers and whether not posting an opt-out of data collection link would be a violation of the CCPA.	No change has been made in response to this comment. The OAG believes that plain text of the CCPA and regulations makes the requested clarification unnecessary. With respect to what amounts to a violation of the CCPA, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W48-4 OLA15-2	00218-00219 LA 53:20-53:23
117.	Include regulations regarding the notice at collection that would address situations where devices may change owners without notice to the business. Permit the notice at collection to be provided via online privacy policies, or only to the register user or accountholder.	No change was made in response to this comment. The OAG has not addressed this issue at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.	W63-9 W63-10 W91-2 OSF1-4	00370-00371 00371 00654-00655 SF 13:1-13:10

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118.	Provide guidance regarding how to handle notice of collection for different scenarios, such as telephone calls and online media. Comments suggest various modifications, such as, providing the notice over the phone, not requiring the notice subsequently, or not requiring the notice at all.	Accept in part. The revised regulation, at § 999.305(a)(3), gives businesses discretion in determining how to provide the notice so that it is "made readily available where consumers will encounter it at or before the point of collection" of personal information. The regulations provide illustrative examples of how a business may provide the notice in various contexts, including orally and online. The comments' proposed changes to provide the notice subsequent to the point of collection, or not at all, is inconsistent with the language and intent of the CCPA. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W42-3 W48-3 W53-11 W122-9 W186-34 W190-4 OSac11-1 OSac11-2 OSF22-5	00182 00218 00247 00951 01558 01589 Sac 46:21-47:9 Sac 47:10-47:23 SF 79:11-79:14
119.	The proposed regulations are unclear as to how a business should handle consumer information that was involuntarily collected and/or information the business was not actively trying to collect.	No change has been made in response to this comment. The CCPA and regulation are reasonably clear. Civil Code § 1798.100(b) requires a business that collects a consumer's personal information to inform consumers, at or before the point of collection, as to the categories of personal information to be collected and the purposes for which it will be used. Civil Code § 1798.145(e) defines "collects" to include receiving information from the consumer, either actively or passively.	W106-5 W123-5	00796 00956
120.	Provide guidance on compliance regarding personal information included in user-generated content where a consumer uploads another consumer's personal information and the business does not have that consumer's contact information so cannot provide the required notices. Including the required notices and policies on the business's website or mobile application should suffice.	Accept in part. Section 999.305(d) has been added to state that a business that does not collect personal information directly from a consumer does not need to provide a notice at collection to the consumer if it does not sell that consumer's personal information. See FSOR, § 999.305(d)(5).	W142-9	01091-01092
121.	The statutory requirement for prominent notice "at or before the point of collection" is too vague and overly broad.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. Civil Code § 1798.100(b) uses the term "at or before the point of collection."	W126-4	00976

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122.	It is unclear whether a business that collected a consumer's personal information prior to the CCPA's effective date must provide notice of collection to existing customers and so the regulations should be revised to ensure that a business provides updated notices to all existing consumers, as well as all individuals whether current customers or not.	No change has been made in response to this comment. Civil Code § 1798.100(b) clearly states that the notice at collection pertains to personal information "to be collected" about the consumer at or before the point of collection. See Civ. Code § 1798.100(b). It does not pertain to personal information collected prior to the CCPA's effective date. However, other requirements set forth in the CCPA may pertain to personal information collected prior to January 1, 2020. Furthermore, § 999.305(a)(6) requires a new notice of collection if a business intends to collect new categories of personal information.	W178-11 W203-12	01501 01669
123.	Regulation does not specify who needs to provide notice of collection. Either the controlling business or the service provider should be able to provide the notice. Requiring more than one layer of disclosure would be disruptive.	No change has been made in response to this comment. The regulation is meant to apply to a wide-range of factual situations and across industries. The business should use its discretion to determine whether one notice at collection is sufficient to disclose all the information required by the CCPA and these regulations. The regulations do not prohibit a business's use of a service provider to provide the notice at collection. See also § 999.314 for additional guidance on service providers.	W37-4 W115-14 W161-5 OLA24-6	00144 00880 01300 LA 79:2-79:7
124.	If a notice at collection is provided to an employee, that same disclosure should be deemed to have been provided to any beneficiary of such employee.	No change has been made in response to this comment. The OAG has modified § 999.305 in response to other comments, and thus, this comment is now moot. Section 999.305(d) provides that a business that does not collect personal information directly from a consumer does not need to provide a notice at collection to the consumer if it does not sell the consumer's personal information. Section 999.305(f) also addresses when a notice at collection is given to employees.	W37-5 OLA24-5	00144 LA 78:21-79:1
125.	Notice at collection of employment-related information should only include the categories of personal information listed in Civil Code § 1798.140(o)(1). To the extent any new categories of personal information are required to be included, OAG should provide guidance.	No change has been made in response to this comment. The comment's interpretation of the CCPA is inconsistent with the language, structure, and intent of the CCPA. Civil Code § 1798.140(o) defines "personal information" to mean any information that "identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. It	W37-7 W37-8 OLA24-3	00144-00145 00145 LA 78:2-78:11

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		explicitly states that personal information "includes, but is not limited to" the categories provided. Section 999.305(b)(1) provides guidance in explaining that the list of categories of personal information be written in a manner that provides consumers a meaningful understanding of the information being collected. The business should use its discretion to determine if personal information that they collect is not reflected by the categories provided for in Civil Code § 1798.140(o)(1), and to the extent that it is not, describe the category with enough particularity that the consumer or employee understands what is being collected.		
126.	By applying the same requirements designed for online data transfers to brick-and-mortar businesses, the regulations burden businesses and consumers and disproportionately impact retailers without providing the protections against third-party data use that the law was intended to provide.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change these regulations. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA, which requires all businesses, not just online businesses, to provide notice of certain information at or before the point of collection of consumers' personal information. See Civ. Code § 1798.100(b).	W53-9	00245-00246
127.	Section 999.305, specifically §§ 999.305(a)(3), 999.305(a)(4), 999.305(a)(5), and 999.305(b)(1), conflicts with the Bank Secrecy Act and with the Internal Revenue Code by prohibiting a business from complying with those statutes if the business failed to provide the notice required by the CCPA. It is also inconsistent with CCPA provisions that the CCPA shall not restrict businesses' ability to comply with federal law.	No change has been made in response to this comment. Civil Code §§ 1798.145 and 1798.196 state that the CCPA does not restrict a business's ability to comply with federal law and shall not apply if it is preempted by or in conflict with federal law. If federal law requires a business to act in a manner differently than these regulations, Civil Code §§ 1798.145 and 1798.196 would apply.	W128-2 W128-3 W128-4 W128-5	01000 01000 01000 01001
128.	The regulations do not distinguish between online and offline collection of personal information, which can create compliance obstacles for brick-and-mortar businesses.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations. The comment does not provide sufficient specificity to the OAG to make any modifications to the text.	W126-2	00976

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- **§ 999.305(a)(1)**				
129.	Section 999.305(a)(1) appears to include an extra clause, "a consumer's personal information," that should be deleted.	Accept. Section 999.305(a)(1) has been modified to delete the extra clause.	W209-3	01727
- **§ 999.305(a)(2)**				
130.	Requests clarification on how and where the notice of collection should be located. Requests that the notice be placed on the homepage in close proximity to the existing privacy policy link in the website footer or mobile app menu.	Accept in part. Section 999.305(a)(3) clarifies that the notice at collection shall be made readily available where consumers will encounter it at or before the point of collection and provides illustrative examples of how a business may provide the notice in various contexts, including on a business's website.	W54-1 W54-3	00259 00260
- **§ 999.305(a)(2)(b)**				
131.	The language of § 999.305(a)(2)(b) is problematic because it is unclear, ambiguous, and subject to interpretation. Comments claim that some lawyers are reading it to require a European-style cookie banner, which would be inappropriate because it is a notice not a request for consent, that is going to be on nearly every website. Comments suggest modifying the regulation to "Use a format that makes the notice clearly visible and readable".	No change has been made in response to this comment. The regulation is reasonably clear and is meant to apply to a wide range of factual situations and across industries. The provision does not require a cookie banner, but rather leaves it to businesses to determine the formats that will best achieve the result in particular environments. In addition, § 999.305(a)(3) provides additional guidance and illustrative examples on making the notice readily available to consumers.	W42-5 W140-4	00182 01079
- **§ 999.305(a)(2)(c)**				
132.	Clarify that compliance with the CCPA would not require businesses to translate disclosures. In the event that any notices must be translated, provide approval of disclosure forms in acceptable language translations.	No change has been made in response to this comment. In response to other comments, § 999.305(a)(2)(c) has been modified to state that the notice at collection shall be available in the languages in which the business in its ordinary course provides contracts, disclaimers, sales announcements, and other information to consumers in California. Civil Code § 1798.185(a)(6) requires the OAG to adopt regulations to ensure that businesses make available required notices in the language primarily used to interact with the consumer. The comment's proposal would not be as effective in carrying out this purpose.	W45-3	00198-00199

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		The comment also does not provide evidence or support for the need for approval of disclosure forms in language translations. The content of notices and disclosurs will vary among businesses, and businesses that in the ordinary course provide materials and information in different languages should be able to accurately translate their notices and disclosures.		
133.	The regulation should be clarified to require the business to provide notice to the consumer in the language that the business regularly uses to interact with the consumer, or in the predominant languages spoken in California, provided that consumers can easily access notices in other languages that are not displayed.	No change has been made in response to this comment. Section 999.305(a)(2)(c) requires that the notice at collection be available in the languages in which the business in its ordinary course provides contracts, disclaimers, sales announcements, and other information to consumers in California. This sufficiently addresses the comment's concerns.	W74-21	00532
- **§ 999.305(a)(2)(e)**				
134.	Require notice at collection "at or before" the time of collection, rather than "before." Comments claim that the regulation narrows the time period provided for in the CCPA. Comments also claim that requiring the notice before the time of collection is inconsistent with how web technology works, since before a web page is displayed the web site necessarily collects the consumer's personal information, and that the regulation contemplates that the notice may be provided on the same web page where personal information is collected.	Accept. Section 999.305(a)(3) has been modified to require notice at or before the point of collection.	W27-7 W53-10 W54-4 W69-27 W74-2 W112-21 W123-13 W124-5 W126-6 W132-1 W155-15 W160-2 W161-1 W162-12 W165-8 W165-9 W165-10 W165-11	00092-00093 00246 00260-00261 00455-00456 00526-00527 00844 00958 00962 00977 01021 01217 01292 01297-01298 01324-01325 01374-01375 01374-01375 01374-01375 01374-01375

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135.	Seeks guidance on how to provide notice at collection in offline and other specific situations.	Accept. Sections 999.305(a)(3) and 999.305(a)(4) provide guidance and illustrative examples of how to provide the notice in various contexts.	W45-5 W54-3 W74-2 W76-2 W126-4 W126-5 W126-7	00200 00260 00526-00527 00540-43 00976 00976-00977 00977
136.	Allow for other means to provide notice at collection in offline situations, besides signage with link to web addresses, e.g., allow use of QR codes and similar means.	Accept in part. Section 999.305(a)(3)(c) allows offline collectors to provide, among other things, signage directing consumers to "where the notice can be found online."	W74-2 W177-7 OSF11-1	00526-00527 01484 SF 44:19-45:9
137.	Revise the provision so that mobile applications are required to have a pop-up requirement when the business's purposes for the data collection would defy the consumer's reasonable expectations (such as when the data is not used to further a core functionality of the app). Allowing a mobile application to provide the required information via a link may allow the mobile application to collect consumer's personal information to comply with the CCPA without actually informing consumers of the required information.	Accept. The OAG has amended the regulations to include § 999.305(a)(4), which states that when a business collects personal information from a consumer's mobile device for a purpose that the consumer would not reasonably expect, the business shall provide a just-in-time notice containing a summary of the categories of personal information being collected and a link to the full notice at collection.	W40-1	00169-00174
138.	Require businesses to post prominant signage with notice before collecting consumer personal information.	Accept in part. Section 999.305(a)(3)(c) allows offline collectors to provide, among other things, signage directing consumers to "where the notice can be found online." The OAG, however, has not required that businesses post prominant signage for offline collection because the regulation is meant to apply to a wide-range of factual situations and across industries. The regulation takes a performance-based approvach, calling for notices to be designed and presented in a way that makes them easy to read and understandable by consumers.	W74-2 W74-3	00526-00527 00526-00527

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139.	Does not think providing examples is a good idea. Suggests specific options for providing notice in online and offline situations instead of examples.	No change has been made in response to this comment. In response to other comments, §§ 999.305(a)(3) and 999.305(a)(4) have been added to provide guidance and illustrative examples of how to provide the notice in various contexts. The OAG disagrees that examples should not be included, especially as other comments requested examples.	W209-4	01727
140.	Exempt HIPAA-covered entities that collect only protected health information from requirement to provide notice at collection before time of collection. The exemption would be consistent with current HIPAA laws and alleviate overly burdensome requirements placed upon HIPAA covered entities.	No change has been made in response to this comment. Civil Code § 1798.145(c)(1)(A) states that the CCPA does not apply to the collection of protected health information.	W189-2	01581
141.	Requests offline notices at collection identify any specific types of tracking that consumers would find relevant or important, such as audio, video, location, or biometric information, and also state whether the business sells any personal information.	No change was made in response to this comment. Section 999.305(b)(1) already requires businesses to describe the categories of personal information it collects with enough particularity to provide consumers with a meaningful understanding of the information being collected. If the business is collecting audio, video, location, or biometric information, the business would already be required to disclose it. Similarly, § 999.305(b)(3) requires businesses that sell personal information to include the "Do Not Sell My Info" link in their notice at collection. Thus, it is not necessary to include the comment's proposed language.	W174-11 W174-12	01444-01445 01445
142.	Website displays are not static and tech innovation continues to reshape user interfaces. Regulations should confirm that providing a link to a privacy policy that contains the necessary disclosure is sufficient for notice at collection on websites or mobile application pages that features visual displays like infinite scroll, and to indicate that "the leading proposed compliance software modules are sufficient."	No change has been made in response to this comment. Section 999.305(c) allows a business that collects personal information from consumers online to provide the notice at collection by providing a link to the section of the business's privacy policy that contains the required information. Sections 999.305(a)(3) and 999.305(a)(4) also provide guidance and illustrative examples of how a business may provide the notice in various contexts. The suggestion that "the leading proposed compliance software modules are sufficient" does not provide sufficient	W166-9	01385-01386

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		specificity to the OAG to make any modification to the regulation.		
- § 999.305(a)(3)				
143.	Proposes modification that the "explicit consent" requirement add a materiality standard, which would be consistent with the FTC's precedent of requiring affirmative express consent before making material retroactive changes. Commenters claim that the requirement: (1) will lead businesses to state the purposes for collection in overly broad and general terms that would be less meaningful and informative to consumers; (2) will flood consumers with unnecessary consent requests and lead to consent fatigue; and (3) is contrary to best practices, the FTC, the GDPR, and the global trend in privacy law away from consent and toward exceptions to consent for reasonably anticipated uses and uses consistent with disclosed purposes.	Accept. The regulation, renumbered as § 999.305(a)(5), has been modified to limit the requirement of explicit consent to uses of previously collected personal information for purposes that are materially different than those disclosed in the notice.	W26-1 W61-6 W63-16 W63-17 W129-5 W130-1 W148-1 W165-5 W177-5 W182-1 W190-5 W204-5 OSF1-5	00069-00071, 00080 00346-00347 00375 00376 01007 01013 01142-01143 01372-01373 01482-01483 01523 01590-01591 01674, 01680-01681 SF 13:11-13:20
144.	Comments claim that the requirement: • conflicts with the regulations' requirement that notices be easy to read and understandable to average consumers; • will stifle businesses and innovation; • is overly onerous and impractical to implement; • places a higher compliance burden on businesses based on when and how they decide to use personal information;	No change has been made in response to these comments. In response to other comments, the regulation, renumbered as § 999.305(a)(5), has been modified to limit the requirement of explicit consent to uses of previously collected personal information for purposes that are materially different than those disclosed in the notice. The OAG disagrees that the regulation conflicts with the requirement that the notice be easy to read and understandable to the average consumer. The regulation is reasonably clear and authorized under Civil Code § 1798.185(b)(2), which provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. As	W38-3 W42-6 W57-6 W61-6 W69-23 W69-26 W70-1 W73-9 W78-4 W88-7 W101-2 W103-19 W108-2	00148 00182 00303 00346-00347 00453 00455 00499 00517-00518 00554 00625-00626 00737 00781 00815

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	• is unnecessary because consumers have the right to request deletion and businesses must update their privacy policies and provide notice to account for new uses; • is not supported by policy; • is contrary to Civil Code § 1798.110(b); and • exceeds the scope of the CCPA's authority. Comments propose removing the subsection, requiring notice without explicit consent, either with or with out an opt-out option, or by revising online privacy policies.	revised, the OAG does not believe the regulation is overly onerous or impractical to implement, or that compliance would be overly burdensome or would stifle businesses or innovation. The regulation provides practical examples that illustrate how businesses can comply. The regulation is necessary to implement Civil Code § 1798.100(b) and the purposes of the CCPA to provide consumers greater control over their information. See FSOR, § 999.305(a)(3). The alternatives proposed in the comments would not be as effective in carrying out the purpose and intent of the CCPA. Simply updating an online privacy policy or providing notice without explicit consent for material changes to a business's use of personal information would not serve the purpose for the notice at collection, which is to provide consumers with information before or at the point of collection so that the consumer can make decisions based on the information, whether it be to exercise their right to opt-out or not proceed with the transaction. A business that materially changes their practices after giving notice essentially takes away the consumer's choice.	W112-27 W112-28 W114-1 W114-2 W117-4 W118-4 W120-7 W120-8 W120-9 W123-13 W124-6 W125-2 W125-3 W129-5 W130-1 W136-5 W142-1 W145-3 W147-2 W148-1 W148-2 W150-1 W155-1 W161-2 W162-11 W165-4 W165-6 W165-7 W177-5 W177-6 W186-35 W187-4	00848-00850 00849-00850 00863-00864 00863-00864 00917-00918 00925 00932 00932 00932 00958 00962 00968 00968 01007 01013 01052 01086-01087 01108 01124 01142-01143 01143 01172 01207, 01209-01210 01298 01323-01324 01372, 01373 01373 01373 01482-01483 01483-01484 01558 01566-01567

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			W189-3 W190-5 W197-1 W202-2	01581-01582 01590-01591 01634 01657-01658
145.	Supports requiring explicit consent before a business uses personal information for a new purpose.	The OAG appreciates this comment of support. In response to other comments, the regulation has been modified to require explicit consent when a business seeks to use previously collected personal information for a purpose materially different than what was previously disclosed to the consumer in the notice at collection. See response #143; FSOR, § 999.305(a)(3).	W149-1 W174-13	01165 01445-01446
146.	Define "purpose" to ensure that businesses disclose their separate purposes clearly rather than conflating them into a vaguely worded catch-all purposes that has no meaning, which would undermine consumers' rights.	No change has been made in response to this comment. The meaning of "purpose" is reasonably clear based on the plain meaning of the word. Moreover, Civil Code §§ 1798.140(d) and 1798.140(f) provide definitions for "business purpose" and "commercial purpose," which provide some examples of how the business can describe the purpose. Section 999.305(a)(2) also requires the notice to be designed and presented in a way that is easy to read and understandable to consumers.	W3-1 W149-6	00004-00005 01168
147.	The regulation fails to explain how "explicit consent" can be obtained and comments either propose a definition, propose deleting the reference, or propose clarifying changes. Clarify and provide examples of the various ways a business may "directly notify" the consumer and "obtain explicit consent."	No change has been made in response to this comment. The terms are reasonably clear. The regulations provide general guidance on how to provide notice and obtain consent in other situations. See generally §§ 999.305, 999.306, 999.307, 999.308, 999.316. Businesses have discretion to determine the manner in which to notify the consumer and obtain consent within the framework of the CCPA and the regulations. Commenters should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulations are meant to apply to a wide-range of factual situations and across industries.	W45-6 W74-22 W189-3 W202-2 W203-11 W209-5	00200 00532-00533 01581-01582 01657-01658 01668 01727
148.	The CCPA will automatically opt-out many consumers because businesses that do not have an updated privacy policy and opt-out notices by the CCPA's effective date will have to broadly stop using consumers' personal information.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations.	W139-1	01066-01070

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- **§ 999.305(a)(4)**				
149.	Support the requirement that a new actual notice be provided prior to collecting additional categories of information.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W74-35	00536
- **§ 999.305(b)**				
150.	Recommends adding to § 999.305(b): "The notice [at collection] shall inform the consumer about excepted personal information that is collected but is not subject to the CCPA."	No change has been made in response to this comment. The regulations implement the provisions of the CCPA, here setting forth the requirements for the contents of the notice at collection. A business may choose to include additional information in the notice, as this comment recommends.	W135-4	01045
151.	Notice at collection for employment-related information should include §§ 999.305(b)(1)-(3), but not § 999.305(b)(4).	Accept. Section 999.305(f) has been added to provide guidance for notices at collection concerning employment-related information.	W33-1	00118
- **§ 999.305(b)(1)**				
152.	Clarify how broadly or narrowly the list of categories of personal information about the consumers to be collected should be. Provide guidance and examples of the list of categories of personal information to be collected. The regulations require a clear, straightforward explanation but the CCPA requires using specified categories that overlap and are confusing.	No change has been made in response to this comment. The CCPA is reasonably clear and the OAG does not believe it will add additional clarity to provide examples. Civil Code § 1798.130(c) requires that the categories of personal information follow the definition of "personal information" set forth in Civil Code § 1798.140. That definition sets forth several non-exclusive categories of information, including a consumer's real name, postal address, driver's license number, biometric information, geolocation data, and education information. Section 999.305(b)(1) also provides guidance in explaining that the list of categories of personal information be written in a manner that provides consumers a meaningful understanding of the information being collected. The business should use its discretion to determine if personal information that they collect is not reflected by the categories provided for in Civil Code § 1798.140(o)(1), and to the extent that it is not, describe the	W45-7 W156-10	00200-00201 01232

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		category with enough particularity that the consumer understands what is being collected.		
- § 999.305(b)(2)				
153.	Remove the requirement that businesses disclose in a Notice at Collection the purposes for which personal information will be used by each category of personal information. It would make the notices overly long and confusing to consumers.	Accept. The provision has been modified to align with the Civil Code §§ 1798.100(b) and 1798.130(a)(3).	W61-5 W63-22 W65-8 W88-6 W118-2 W147-1 W155-16 W186-21 W187-6 OSac6-4 OLA12-1	00346 00379-00380 00403-00404 00625 00924 01122-01123 01218-01219 01553 01568 Sac 27:16-28:4 LA 41:5-42:14
154.	Comment supports the regulation's requirement to provide the business or commercial purpose for each category of personal information.	The OAG appreciates this comment of support. However, in response to other comments the regulation has been modified to delete this language. See response #153; FSOR, § 999.305(b)(2).	W199-3	01645-01646
155.	Provide guidance with regard to the business or commercial purpose for which the categories of personal information will be used, including what is to be done when the business uses the information for something that is neither a business or commercial purpose.	No change was made in response to this comment. The definition of "business purpose" and "commercial purpose" is established by the plain language of the CCPA at Civil Code §§ 1798.140(d) and 1798.140(f). The OAG has not addressed this issue of whether the list of business purposes is exhaustive at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on that issue. To the extent that a business's use of the personal information is outside of the seven options outlined for business purpose, the business should describe the purpose with enough particularity to give consumers a meaningful understanding for which the personal information is used.	W128-6 W149-6 W186-24	01001 01168 01554

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156.	Revise the provision to require "a list of the business or commercial purposes(s) for which the personal information will be used in a manner reasonably designed to help consumers understand how the business will process personal information."	No change has been made in response to this comment. Section 999.305(a)(2) provides that the notice shall be designed and presented in a way that is easy to read and understandable to consumers. This proposed modification is not necessary.	W63-22	00379-00380
- **§ 999.305(b)(3)**				
157.	Section 995.305(b)(3) contradicts § 999.305(c). Section 999.305(b)(3) requires businesses to provide consumers with a link to access interactive webform where consumers can exercise rights, whereas § 999.305(c) requires a link to redirect individuals to relevant portions of privacy policy.	No change has been made in response to this comment. Sections 999.305(b)(3) and 999.305(c) are not contradictory and a business can comply with both. The purpose of § 999.305(b)(3) is to give a consumer receiving the notice at collection the opportunity to get a fuller picture of the business's privacy practices by going to the comprehensive privacy policy. As explained in the ISOR, § 999.305(c) is intended to give businesses a compliance option that may reduce workload without lessening the benefit to the consumer. ISOR, p. 9. A business that chooses to provide the notice at collection pursuant to § 999.305(c) via a link to the portion of the privacy policy containing the required elements of the notice can comply with § 999.305(b)(3) by including the Do Not Sell My Info link within that section of the privacy policy. Doing so does not absolve a business' statutorily-mandated requirement to include the Do Not Sell My Info on their homepage.	W115-19	00882
158.	Instead of only allowing businesses to give a link titled "Do Not Sell My Personal Information" or "Do Not Sell My Info," allow businesses to have a well understood proxy such as "Opt Out" that is clearly explained in the Privacy Policy.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. Civil Code § 1798.135(a)(1) requires a business to provide a clear and conspicuous link on its homepage titled "Do Not Sell My Personal Information."	W182-2	01523-01524
- **§ 999.305(b)(4)**				
159.	Requirements for the notice at collection should be modified to account for CCPA's exceptions for employment-related information.	Accept. Section 999.305(f)(2) has been added to clarify requirements for a notice at collection for employment-related information.	W75-1 W115-26 W118-3	00538 00883 00924

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			W206-12	01696-01697
160.	Notice at collection should confirm that it is sufficient for a business to provide a link to a privacy policy that contains a description of the purposes for which the data is used in "the notice on printed forms."	No change was made in response to this comment. The OAG has modified the regulation in response to other comments, and thus, this comment is now moot. See response #159.	W166-10	01386
161.	Section 995.305(b)(4) contradicts § 999.305(c). Section 999.305(c) contemplates the ability to place the CCPA disclosure in the privacy policy; however, § 995.305(b)(4) suggests the opposite. For technical clarity, the comment recommends amending § 999.305(b)(4) as follows: "If the notice is not part of the business' privacy policy, a link to the business' privacy policy, or in the case of offline notices, the web address of the business' privacy policy."	No change has been made in response to this comment. Sections 999.305(b)(4) and 999.305(c) are not contradictory and a business can comply with both. The purpose of § 999.305(b)(4) is to give a consumer receiving the notice at collection the opportunity to get a fuller picture of the business's privacy practices by going to the comprehensive privacy policy. As explained in the ISOR, § 999.305(c) is intended to give businesses a compliance option that may reduce workload without lessening the benefit to the consumer. ISOR, p. 9. A business that chooses to provide the notice at collection pursuant to § 999.305(c) via a link to the portion of the privacy policy containing the required elements of the notice can comply with § 999.305(b)(4) by providing a link to the top or beginning of the privacy policy. However, doing so does not absolve a business' statutorily-mandated requirement to include the Do Not Sell My Info on their homepage.	W61-7	00347
162.	Seeks clarification as to how a "brick and mortar" business that has no website, and does not have consumers physically visiting its building, should provide consumers direction to its privacy policy.	No change has been made in response to this comment. The comment raises specific legal questions and may require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W45-8	00201
163.	Modify § 999.305(b)(4) to require offline notices to state the email or postal address where consumers may obtain a copy of the privacy policy, instead of allowing offline notices to be directed to website.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. Civil Code § 1798.130(a)(5) requires businesses to make disclosures about consumers' CCPA rights and their data practices in an online privacy policy or on its	W209-6	01727-01728

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		internet website. Providing information on where the business's privacy policy can be found online is more in line with the intent of the CCPA and less burdensome on businesses than to require an email and postal address where consumers may obtain a copy of the privacy policy.		
- **§ 999.305(c)**				
164.	Need clarity whether § 999.305(c) requires a pop-up Notice at Collection for cookie data collection.	Accept in part. Sections 999.305(a)(3) and 999.305(a)(4) have been modified to provide guidance and illustrative examples of how to provide the notice in various contexts, and it includes an example of online collection. A pop-up notice is not required but businesses have discretion to determine how to provide notice in compliance with § 999.305, which requires that the notice be readily available where consumers will encounter it at or before the point of collection.	W69-27 W123-13	00456 00958
165.	Clarify that placement of required notices where consumers know to look for them is acceptable (*i.e.*, consistent with CalOPPA) or specify any other placement that may be required. The suggestion that the link can be located either on the business's homepage, or mobile application download page, or on all webpages where personal information is collected suggests that the link may be placed alongside other required notices like the Terms of Service or Privacy Policy, and not in the form of a banner akin to the European Cookie Banner.	Accept in part. Sections 999.305(a)(3) and (4) have been modified to provide guidance and illustrative examples of how to provide the notice in various contexts, and it includes an example of online collection. A pop-up notice or cookie banner is not required but businesses have discretion to determine how to provide notice in compliance with § 999.305, which requires that the notice be readily available where consumers will encounter it at or before the point of collection.	W86-1	00607-00608
166.	Section 999.305 should clarify that a "notice of collection" can be satisfied by providing a link to the appropriate section of a business's privacy policy. Some legal practitioners are interpreting the proposed regulations to require a second notice.	No change has been made in response to this comment. The regulation is reasonably clear. If a business collects personal information from a consumer online, the notice at collection may be given to the consumer by providing a link to the section of the business's privacy policy that contains the required information. The regulations, as amended, also provide guidance and	W162-13	01325

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		illustrative examples of how business may provide the notice in other contexts. See §§ 999.305(a)(3), 999.305(a)(4).		
- § 999.305(d)				
167.	Sections 999.305(d)(1) and 999.305(d)(2) are burdensome and would be impractical and unworkable to implement.	Accept. Provisions deleted.	W57-7 W104-2 W119-2 W127-2 W145-4 W152-3 W183-1 W184-3 OLA21-1	00303 00787 00926 00981-00982, 00984-00985, 00992-00993, 00995 01108-01109 01192-00193 01528-01529 01532, 01535-01536 LA 64:20-67:9
168.	Change this provision to require a business to register as a data broker under Civil Code § 1798.99.80 before it can sell a consumer's personal information, and/or permit a business to satisfy the notice requirement through their data broker registry and set of disclosures to the public.	Accept in part. The OAG has modified the provision to state that a data broker registered with the Attorney General pursuant to Civil Code § 1798.99.80, *et seq.*, does not need to provide a notice at collection to the consumer if it has included in its registration submission a link to its online privacy policy that includes instructions on how a consumer can submit a request to opt-out. See FSOR, § 999.305(d).	W27-1 W127-2 W152-3 W196-2 OSac5-2 OLA21-1	00083-00087 00981-00982, 00984-00985, 00992-00993, 00995 01192-01193 01627 Sac 22:21-23:14 LA 64:20-67:9
169.	Section 999.305(d) is unlawful because it exempts businesses that do not collect personal information directly from consumers while the CCPA requires all businesses that collect a consumer's personal information to provide notice at or before the point of collection. It should be revised to ensure that data brokers are	No change has been made in response to this comment. Civil Code § 1798.100(b) requires businesses to, at or before the point of collection, inform consumers as to the categories of personal information to be collected and the purposes for which it will be used. Businesses that do not collect personal information from the consumer cannot feasibly provide this notice. Requiring these businesses to give a notice at collection through some other means, such as the posting of an online privacy policy,	W127-1 W174-14 OSF9-6 OLA 21-1	00981-00984, 00993 01446-01447 SF 41:6-41:17 LA 64:20-67:9

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	required to notify consumers when they collect information about them.	would also not serve the purpose of the notice, which is to provide consumers with information before or at the point of collection so that the consumer can make decisions based on the information. Section 999.305(d) is also not inconsistent with the § 999.305(a)(5) because § 999.305(a)(5) restricts the sale of personal information. In response to other comments, the OAG has modified the provision to state that a data broker registered with the Attorney General pursuant to Civ. Code § 1798.99.80, *et seq.*, does not need to provide a notice at collection to the consumer if it has included in its registration submission a link to its online privacy policy that includes instructions on how a consumer can submit a request to opt-out. See FSOR, § 999.305(d).		
170.	Delete the requirements in § 999.305(d) because there is no statutory basis in the CCPA.	No change was made in response to this comment. Civil Code § 1798.100(b) requires businesses to, at or before the point of collection, inform consumers as to the categories of personal information to be collected and the purposes for which it will be used. Businesses that do not collect personal information from the consumer cannot feasibly provide this notice. Civil Code § 1798.185(a)(6) gives the Attorney General authority to establish rules, procedures, and any exceptions necessary to ensure that the notices and information are provided in a manner that may be easily understood by the average consumer.	W57-7 W60-13 W65-7 W69-25 W88-8 W101-3 W123-13 W145-4	00303 00325-00326 00403 00454-00455 00626 00737-00738 00958 01108-01109
171.	Section 999.305(d) is inconsistent with § 999.305(a)(5).	No change has been made in response to this comment. The OAG has modified the provision in response to other comments, and thus, this comment is now moot. See response #167; FSOR, § 999.305(d).	W174-15 OSF9-6	01446-01447 SF 40:6-40:17
172.	Supports this provision.	The OAG appreciates this comment of support. No change has been made in response to this comment. However, the OAG has modified the provision in response to other comments. See response #167; FSOR, § 999.305(d).	W38-4 W74-36 W196-1 OSac9-2	00148-00149 00536 01627 Sac 36:3-36:10
173.	Revise this provision to state that such a business need not provide notice at collection to the	No change was made in response to this comment. The OAG has modified the provision in response to other comments, and thus,	W27-1	00083-00087

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	consumer provided that the business reasonably believes that the consumer was provided with a notice compliant with §§ 999.305(a) and 999.305(b).	this comment is now moot. See response #167; FSOR, § 999.305(d).		
174.	Because the two options are too limiting, add more provisions to address: (1) sources that also did not interact directly with the consumer; (2) notice for personal information that was collected prior to the effective data of the regulations; and (3) the ability of a third-party organization that confirms the requirements of §§ 999.305(a) and 999.305(b) have been complied with and marks the data accordingly.	No change was made in response to this comment. The OAG has modified the provision in response to other comments, and thus, this comment is now moot. See response #167; FSOR, § 999.305(d).	W86-4 OLA22-1	00611 LA 68:25-69:8
175.	Revise this provision to allow any business involved in the "common interest" use of the consumer's personal information to give the notice, and if the consumer does not opt-out in response to such a notice, then they have opted-in to the collection and use of personal information.	No change was made in response to this comment. The OAG has modified the provision in response to other comments, and thus, this comment is now moot. See response #167; FSOR, § 999.305(d).	W115-15	00880-00881
176.	It is unclear whether the sale restriction in § 999.305(d) applies to employee data, which is exempt from some, but not all, of the CCPA.	Accept in part. The OAG has added § 999.305(f) to address the collection of employment-related information.	W145-4	01108-01109
177.	Add option to provide notice to consumers in widely distributed media throughout California, including through an annual advertisement.	No change has been made in response to this comment. The OAG has modified the provision in response to other comments, and thus, this comment is now moot. See response #167; FSOR, § 999.305(d).	W152-3	01192-01193
178.	Clarify that this provision does not extend to existing or past data collected by a business that occurred before the effective date of the CCPA.	No change has been made in response to this comment. The OAG has modified the provision in response to other comments, and thus, this comment is now moot. See response #167; FSOR, § 999.305(d).	W152-3 W192-4	01192-01193 01615

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179.	Revise the provision to require direct contact with the consumer to provide the notice and only if contacting the consumer is not possible, then require contacting the source of the personal information.	No change was made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #167; FSOR, § 999.305(d).	W174-16	01446-01447
180.	The regulation does not account for a scenario where business receives personal information from another business and then creates a direct relationship with the consumer. Comment suggests that the regulation be revised to allow such a business to comply with the notice requirement by providing a notice at or before additional information is collected directly from the consumer.	No change has been made in response to this comment. Section 999.305 provides businesses guidance regarding how a business is to provide a notice at collection and in what instances a notice at collection is not required. What type of notice is required of a business that both collects information directly from the consumer and from other sources requires a fact-specific determination that includes whether the business is selling the personal information and whether it is being used for a purpose materially different than what was disclosed to the consumer. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W69-29 W123-13	00456 00958
181.	Delete § 999.305(d) because it violates the First Amendment right of businesses to publish directories, registries, and other important works that contain public domain information, whether that information comes from public records or publicly available non-government sources.	No change has been made in response to this comment. The OAG has modified the provision in response to other comments, and thus, this comment is now moot. See response #167; FSOR, § 999.305(d).	W127-5 W184-3 OLA21-1	00981-00982, 00988 01532, 01535-01536 LA 64:20-67:9
182.	The SRIA ignores the practical difficulties of implementing § 999.305(d). Specifically, the SRIA includes that notification requirements are only required under the CCPA, and therefore the economic impacts of developing these notifications are part of the regulatory baseline.	No change has been made in response to this comment. The OAG has modified the provision in response to other comments, and thus, this comment is now moot. See response #167; FSOR, § 999.305(d).	W27-1	00085
- § 999.305(d)(1)				
183.	Direct notices will clutter consumer inboxes and be creepy.	Accept. The provision has been deleted.	W119-3 W127-4	00927 00986-00987,

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			W181-1	00995 01511-01514, 01519
184.	Delete this provision because it is not compatible with the principle of data minimization and the intent of the CCPA. Some businesses will by necessity start to collect and store contact information for consumers in order to contact consumers as needed.	Accept. The provision has been deleted.	W27-1	00083-00087
185.	Revise this provision to grant the first-party business the authority to direct how the third-party business seeks out that required consent because first-party business may prefer that all contacts and consent flow through them.	No change was made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #183.	W38-4	00148-00149
- **§ 999.305(d)(2)**				
186.	Remove the obligation to maintain and make available examples of the notice provided to consumer at the time of collection because it is beyond the scope and intent of CCPA, which only requires disclosure of categories of sources and not the specific source.	Accept. Provision deleted.	W55-3 W57-7 W60-13 W69-25 W88-8 W101-3 W119-6 W123-13 W161-4	00275-00276 00303 00325-00326 00454-00455 00626 00737-00738 00927 00958 01299-01300
187.	Remove the obligation to maintain and make available examples of the notice provided to consumer at the time of collection because it provides little additional benefit to the consumer while placing additional unreasonable costly recordkeeping obligations on businesses.	Accept. Provision deleted.	W55-3 W57-7 W119-4 W152-3 W161-3 W192-4	00275-00276 00303 00927 01192-01193 01298-01300 01616
188.	Unclear what the business's recordkeeping obligations are when the attestations are altered.	Accept. Provision deleted.	W57-7 W91-3	00303 00655

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	Logistically unmanageable, unrealistic, and potentially an impossible burden for businesses to meet.		W101-3 W119-4 W152-3 W161-3	00737-00738 00927 01192-01193 01298-01300
189.	Businesses cannot rely on attestations because sometimes the business's source did not interact with the consumer directly, but rather received the info from an intermediary source. Obtaining attestations is logistically difficult and burdensome. Sometimes there are multiple sources and are dealing with many intermediary players.	Accept. Provision deleted.	W88-8 W91-3 W98-10 W104-2 W127-2 W152-3 W183-1 W190-6 OLA21-1	00626 00655 00723 00787 00981-00982, 00984-00985, 00992-00993, 00995 01192-01193 01528, 01529 01591 LA 64:20-67:9
190.	Less burdensome ways to allow consumers more opportunities to exercise their rights without discriminating against smaller service providers and inundate consumers with notices. For example, use the data broker registry, having industry groups provide annual mass-media notifications, or including the notice in their online privacy policy.	Accept in part. The OAG has modified § 999.305(d) to state that a data broker registered with the Attorney General pursuant to Civil Code § 1798.99.80, *et seq.*, does not need to provide a notice at collection to the consumer if it has included in its registration submission a link to its online privacy policy that includes instructions on how a consumer can submit a request to opt-out. See response #168; FSOR, § 999.305(d). Providing notice through one's privacy policy or through annual mass-media notifications is not more effective in carrying out the purpose and intent of the CCPA. Civil Code § 1798.100(b) requires businesses to, at or before the point of collection, inform consumers as to the categories of personal information to be collected and the purposes for which it will be used.	W119-7 W127-3 OLA21-1 OLA22-2 OLA23-1	00927 00981-00982, 00985-00987, 00991, 00993-00996 LA 64:20-67:9 LA 69:9-71:16 LA 72:11-73:16
191.	Insert a new definition to read that a "signed attestation" means an attestation that has been signed in writing or electronically.	Accept in part. The OAG has amended the regulations to include a definition for the term "signed." See § 999.301(u).	W162-10	01323

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192.	Delete this provision because: (1) it favors businesses who are able to buy data in bulk; and (2) it denies consumers the opportunity to know who is reselling their data, since there is no requirement that consumers receive at the point of initial collection the identity of any of the reselling third-parties.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #186-189.	W27-1	00083-00087
193.	Revise the provision to make clear that attestations are required per source of information, and not for each consumer, unless there are material differences in the notices provided to consumers.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #186-189.	W63-18	00376-00377
194.	Revise the provision to require only the businesses that provide the data be the ones maintaining any documentation of their compliance with their notice provision.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #186-189.	W65-7	00403
195.	Gathering signed attestations may directly impact small businesses and nonprofits, who may be swept up in this process if they are a data source, in contravention of the Legislature's express intent.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #186-189.	W119-5	00927
196.	Obtaining contractual attestations (without sample notices) is a better alternative because it accomplishes the same purpose while less administratively burdensome. Should allow for businesses that use model notices to satisfy this provision.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #186-189.	W69-25 W98-10 W112-22 W112-23 W115-16 W152-3 W161-3 W181-1 W190-6	00454-00455 00723 00844-00846 00844-00846 00881 01192-01193 01298-01300 01511-01514, 01519 01591

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§ 999.306. Notice of Right to Opt-Out of Sale of Personal Information				
- § 999.306 generally				
197.	Regulations do not provide enough direction around the establishment of an opt-out policy. Small and medium-sized businesses need more guidance on how to provide opt-out option.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. Sections 999.306, 999.315, and 999.316 provide guidance regarding the right to opt-out.	W43-3 W179-4	00189-00190 001504
198.	Requests regulation stating that CCPA's requirement to post a Do Not Sell link may be satisfied by posting of the Do Not Sell link on a website's main page, or on a mobile app's "Settings" or menu page. Placement on every page of a website could be distracting and could create the impression that consumers must opt-out each time the button appears.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. Civil Code § 1798.135(a)(1) requires that the business provide the Do Not Sell link on the business's Internet homepage and Civil Code § 1798.140(l) defines "homepage" to mean the introductory page of an internet website and any internet webpage where personal information is collected. For mobile apps, homepage means the app's platform page or download page, a link within the app, and any other location that allows consumers to review the notice required. See Civ. Code § 1798.140(l). The OAG cannot implement regs that alter or amend a statute or enlarge or impair its scope.	W63-25	00381-00382
199.	Where a consumer has cleared cookies or where browser technology makes it difficult for a business to identify repeat visitors, a business may not be able to identify whether a consumer has exercised the right to opt-out. Businesses should accept a global setting that allows the consumer to convey the consumer's intent to opt-out on each visit to a website.	No change has been made in response to this comment. The regulations already address the comment's proposed changes. See § 999.315(d) of modified regulations.	W74-10	00529
200.	Recommends adding subdivision (f) to § 999.306 to read as follows: (f) A business that receives an opt-out request from a consumer or the consumer's authorized agent, shall refrain from: (a) Selling the consumer's personal information; and (b) Asking	No change has been made in response to this comment. Civil Code §§ 1798.135(a)(4) and 1798.135(a)(5) already addresses the comment's proposed changes.	W74-10	00529

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	the consumer to opt-in to the sale of their information, for 12 months from the date of receipt of the consumer's last opt-out request.			
201.	Commenter would like to formally meet with OAG to discuss commenter's portfolio of trademarks and Alpha OptOut Mobile App, which would allow consumers to submit opt-out requests to businesses through the app.	No change has been made in response to this comment. The comment is not directed at the proposed regulation or the rulemaking procedures followed.	W158-1	01284-01285
202.	Concerned that the notice of right to opt-out cannot feasibly be presented to consumers orally via telephone. Suggests allowing businesses to orally direct consumer to notice.	No change has been made in response to this comment. The regulation does not prohibit the suggestion raised by this comment. The regulation is meant to apply to a wide-range of factual situations.	W190-7	01591
203.	Proposed regulations in this section exceed CCPA's statutory authority, place businesses at risk for unfair and deceptive claims, and create untenable compliance obligations.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. Civil Code § 1798.185 provides the Attorney General with broad authority to establish rules and procedures for notices required by the CCPA and to further the purposes of the CCPA.	W190-8	01591
204.	Regulations do not consider that HIPAA-covered entities are required to share personal information. HIPAA-covered entities should be exempt from opt-out provision, or the regulations should include language that states consumers may exercise their right to opt-out if their personal information is not linked to PHI.	No change has been made in response to this comment. To the extent it is applicable, Civil Code §§ 1798.145(c)(1)(A)-(B) provides an exemption for some of the personal information that the comment addresses. Civil Code § 1798.140(t) also sets forth situations that are not considered a "sale," and thus, not subject to a consumer's right to opt-out. To the extent that the comment raises concerns about non-medical information collected by HIPAA-covered entities, the OAG has determined that the recommendation is: (1) not authorized by the CCPA, (2) does not further the purposes of the CCPA, or (3) contradicts discretionary policy determinations implemented by these regulations.	W189-4	01582-01583

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205.	Supports the regulation, including §§ 999.306(b)(2), 999.306(c)(1)-(4), and 999.306(d).	The OAG appreciates this comment of support. No change has been made in response to this comment. The OAG has deleted § 999.306(c)(4) and modified § 999.306(d) in response to other comments and for other reasons. See response #221, 228 and FSOR, § 999.306(c)(4).	W38-6 W74-37 W121-1	00150 00536 00938
- **§ 999.306(a)(1)**				
206.	Delete "or may in the future sell" from the regulations in order to avoid consumer confusion.	Accept. Provision deleted. See FSOR, § 999.306(a)(1).	W53-16 W54-6 W129-6 W130-1	00251 00262 01007-01008 01013
207.	Delete "or may in the future sell" from the regulations because it would require businesses to build opt-out infrastructure even if they do not currently sell information and may create perverse incentive to sell information.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #206.	W57-8 W129-6 W130-1	00303-00304 01007-01008 01013
208.	Delete "or may in the future sell" from the regulations because it is inconsistent with statute.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #206.	W53-16 W54-6 W69-30 W88-9 W101-4 W123-13 W129-6 W130-1 W190-9	00251 00262 00457-00458 00626 00738 00958 01007-01008 01013 01591
- **§ 999.306(b)**				
209.	Concerned that consumers don't read the download or landing page of a mobile app. Recommends requiring a standalone notice prior to downloading, installing, or activiting the app or service as well as an easily available link within the app or service.	No change has been made in response to this comment. This regulation implements the definition of "homepage" as defined in Civil Code § 1798.140(l) as is applies to mobile apps. The comment's proposed change to require a standalone notice prior downloading the app or service is not more effective in carrying out the purpose and intent of the CCPA because it could impose	W74-25	00534

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		an additional burden on businesses or lead to excessive notices for consumers to read.		
210.	Allow business to use existing "opt-out" links and mechanisms instead of the "Do Not Sell My Personal Information" or "Do Not Sell My Info" links, as long as the equivalence is explained in the privacy policy. This change would lower the engineering and operational overhead of introducing new links.	No change has been made in response to this comment. The proposed modification is inconsistent with the language, structure, and intent of the CCPA. Civil Code § 1798.135(a)(1) requires that the business provide the Do Not Sell link on the business's Internet homepage. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W182-2 W182-3	01523-01524 01524
211.	Consumers will be confused and misled if presented with more specific information on their right to opt-out of sale because businesses are not "selling" personal information in the colloquial sense. It is impossible to provide a notice that the average consumer will actually read and understand.	No change was made in response to this comment. The comment objects to the CCPA, not the proposed regulation. Civil Code § 1798.140(t) defines the term "sale" and Civil Code §§ 1798.120(b) requires notice of the right to opt-out.	W206-6	01694
212.	Recommends changing "and" to "or" in the following sentence of § 999.306(b)(2) for clarity: "Such methods include, but are not limited to, printing the notice on paper forms that collect personal information, providing the consumer with a paper version of the notice, and posting signage directing consumers to a website where the notice can be found."	No change has been made in response to this comment. The regulation is reasonably clear. The OAG disagrees that the regulation could be construed as requiring all methods of notice listed in the non-exclusive list.	W38-5	00149
213.	Requiring businesses to provide offline notice of right to opt-out is inconsistent with CCPA and should be struck.	No change has been made in response to this comment. The OAG disagrees with the comment's interpretation of the CCPA. The regulation is consistent with the language, structure, and intent of the CCPA, which applies to personal information that is collected by any means. See Civ. Code § 1798.140(e). Further, Civil Code § 1798.185(a)(6) provides the Attorney General with authority to establish rules and procedures to ensure that the notices required by the CCPA are provided in a manner that may	W88-10 W88-11 W101-5	00627 00627 00738-00739

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		be easily understood by the average consumer and accessible to consumers, which includes offline contexts.		
214.	The term "substantially interacts with consumers offline" in § 999.306(b)(2) is unclear. Revise the regulation to change the terms "substantially" to "primary" and "offline" to "in person" for clarity purposes.	No change has been made in response to this comment. The Ox AG disagrees that regulation is unclear. The regulations are meant to be robust and applicable to many factual situations and across industries. The comment's proposed changes are not more effective in carrying out the purpose and intent of the CCPA because it would not capture some factual situations where consumer information is being collected offline.	W57-8 W88-10	00304 00627
215.	Encourage the OAG to consider other means of presenting offline opt-out notices, such as providing the web address of the business's privacy policy or using QR codes with a link to the privacy policy.	Accept in part. Section 999.306(b)(2) allows offline collectors to provide, among other things, signage directing consumers to "where the notice can be found online." The comment's proposed change to provide only the web address of a business's privacy policy is not more effective in carrying out the purpose and intent of the CCPA, because it does not easily inform consumers of their right to opt-out. Section 999.306(b)(1) allows the content of the notice to be included in the privacy policy, but an offline link should direct the consumer to the section of the business's privacy policy where the contents of the specific notice can be found, not just the privacy policy. Further, in drafting these regulations, the OAG considered a performance-based approach for businesses whose interactions with consumers are substantially offline, requiring them to use an offline method that facilitates consumer awareness and offering a non-exclusive list of examples of such methods. Given the wide variety of different industries subject to the CCPA, there are many different ways in which offline notices can be provided.	W177-10	01485
216.	For clarity and ease of maintenance, § 999.306(b)(2) should direct readers to § 999.305(a)(2)(e) to describe methods to provide the notice of right to opt out offline.	No change has been made in response to this comment. The regulation is reasonably clear. Including examples of methods in both regulations promote ease of reference.	W209-7	01728

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- § 999.306(c)				
217.	The level of detail required in the notice of right to opt-out will likely overwhelm the typical consumer and frustrate business' efforts to present the notice in a way that is easy to read and understandable by a typical consumer, as is required by proposed § 999.306(a)(2), as well as businesses' efforts to educate effectively consumers about opting out. Recommends providing more flexibility in presenting the notice of right to opt-out.	No change has been made in response to this comment. The comment does not provide sufficient specificity or any evidence to the OAG to make any modifications to the text. The regulation was amended in response to other comments and requires less detail. The regulation requires a basic level of information a consumer needs to make an informed decision.	W88-12	00627
218.	Recommends that § 999.306(c)(2) be changed to provide that businesses must provide notice of the "methods" not just webform by which the consumer may opt-out of sale.	No change has been made in response to this comment. The comment does not provide any evidence to the OAG to make this modification to the text. Civil Code § 1798.135(a)(1) requires that the Do Not Sell My Info link direct the consumer to an internet webpage that enables a consumer to opt-out of the sale of the consumer's personal information, not just information about the methods available.	W74-6	00528
219.	Disagrees with § 999.306(c)(5), which allows a printed form to direct the consumer to a webpage where consumers can access the privacy policy. Comment considers it problematic to require consumers, particularly vulnerable individuals who may not have free or easy internet access, to go online to access privacy policy when the opt-out notice is provided in paper.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot.	W121-2	00938
220.	Recommends removing § 999.306(c)(5) so that it is clear that a separate notice of right to opt-out is not necessary if notice is included in the privacy policy.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. However, the OAG disagrees that the deletion of this subsection would imply that a separate notice of right to opt-out is not necessary if the notice is included in the privacy policy. Section 999.306(b)(1) allows the	W177-9	01485

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		content of the notice to be included in the privacy policy, but this does not absolve the business's obligation to direct the consumer to the section of the business's privacy policy where the contents of the notice can be found and to provide the Do Not Sell link on the business's Internet homepage as required by Civil Code § 1798.135(a)(1).		
- **§ 999.306(d)**				
221.	Draft regulations allow businesses that do not currently sell personal information to omit the notice of right to opt out and Do Not Sell My Personal Information link only if the businesses commit to not sell personal information in the future. As a result, businesses that currently do not sell personal information may include the link in order to preserve right to sell personal information in the future/avoid misrepresentations. This could also lead to customer confusion about which businesses are currently selling personal information. Recommend removal of provisions requiring businesses to state that they "will not sell personal information."	Accept. Regulations have been modified in response to this comment to remove the commitment to not sell information in the future, but make clear that businesses may not sell personal information collected while notice of right to opt-out is not posted. See §§ 999.306(d) and 999.306(e) of the modified regulations.	W26-5 W60-28 W73-10 W88-13 W114-3 W114-4 W129-6 W130-1 W155-17 W190-10 OLA12-2	00074-00075 00337-00338 00518 00627-00628 00864-00865 00865 01007-01008 01013 01208, 01219-01220 01591-01592 LA 42:15-43:4
222.	Requirement to obtain explicit consent from consumers deemed to have opted out while a notice of right to opt-out is not posted before selling consumer information is counter to the text of CCPA which allows for new uses of data pursuant to notice. There is also a lack of clarity as to when businesses will be able to seek authorization from these consumers who will have been deemed to have opted out.	No change has been made in response to this comment. The OAG has modified the provision in response to other comments, and thus, this comment is now moot. See response #221.	W150-2 W190-10 W190-11	01172-01173 01591-01592 01592

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- § 999.306(d)(2)				
223.	Deeming consumers to have requested to opt-out while a notice of right to opt-out is not posted does not contemplate that notice may be accidentally or temporarily unavailable. Recommends amendments to exempt situations when a notice to opt-out is unavailable accidentally such as website outage.	No change has been made in response to this comment. Modifying the provision as suggested would add complexity to the rules without providing identifiable benefits.	W61-8	00347-00348
224.	Deeming consumers to have requested to opt-out while a notice of right to opt-out is not posted is burdensome and unreasonably difficult for businesses who do not currently sell personal information to change their practices in the future. It could also be interpreted as preventing businesses from selling any collected consumer information regardless of whether it was collected before or after the notice of opt-out is posted.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #221.	W42-7 W53-17 W65-9 W65-13 W69-30 W123-13 W148-3 W155-17 W162-14	00182-00183 00252 00404 00405 00457-00458 00958 01143-01145 01219-01220 01326-01327
225.	Deeming consumers to have requested to opt-out while a notice of right to opt-out is not posted is unnecessary and overreaching. Provision should be deleted because regulations make it sufficiently clear that personal information collected without a notice of right to opt-out cannot be sold.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #221.	W53-17 W162-14	00252 01326-01327
226.	Instead of deeming consumers to have requested to opt-out while a notice of right to opt-out is not posted, regulations should provide that consumers have reasonable time to opt-out after a business publishes a notice to opt-out.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #221.	W65-9 W69-30 W88-14 W123-13 W197-2	00404 00457-00458 00628 00958 01634

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227.	Deeming consumers to have requested to opt-out while a notice of right to opt-out is not posted is inconsistent with the CCPA and the regulations that pertain to the requests to opt-out.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #221.	W53-17 W69-30 W70-2 W88-14 W101-6 W114-3 W115-18 W148-3 W155-17 W162-14 W165-12 W165-13 W165-14 W189-4	00252 00457-00458 00499-00500 00628 00739 00864-00865 00881-00882 01143-01145 01219-01220 01326-01327 01375-01376 01375-01376 01375-01376 01582-01583
228.	Provision contains an extra and unnecessary "that" in first sentence.	Accept. Section 999.306(d)(2) has been modified to remove the extra "that."	W101-7	00740
229.	Deeming consumers to have requested to opt-out while a notice of right to opt-out is not posted does not make sense for testing organizations because they will be unable to share results for test takers that opt-out and will not be able to collect specific video or biometric information for identification and authentication.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #221.	W115-20 W115-21	00882 00882
230.	Deeming consumers to have requested to opt-out while a notice of right to opt-out is not posted would impose burdensome and costly tracking requirement for businesses that do not sell personal information. No consumer benefit to making such businesses process and track deemed requests. Maintaining record about deemed opt-out requests also undermines principle of data minimization.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #221.	W165-15 W165-16 W189-4	01376 01376 01582-01583

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231.	Deeming consumers to have requested to opt-out while a notice of right to opt-out is not posted could create unexpected liability for businesses that in good faith believe that their use of personal information is not sale. If that position is changed by judicial or regulatory authority, every single customer of the business could instantly be deemed to have opted out.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #221.	W187-5	01567-01588
- **§ 999.306(e)**				
232.	Recommend that the OAG allow businesses flexibility to decide on an appropriate opt-out button or logo, subject to certain guidelines, rather than prescribing a specific button or logo via regulation.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #221.	W60-34	00341
233.	Recommend that future regulations require that the button or logo indicate at a glance the consumer's opt-out state, such as by graying-out the button or logo or changing its appearance when the consumer has exercised the right to opt-out. Consumers should be able to ascertain their opt-out status immediately upon visiting a website or service with very low effort.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #221.	W74-9 W74-10	00529 00529
234.	Recommends issuances of the opt-out button or logo as soon as feasible so businesses have time to incorporate it into their websites.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #221.	W94-1 W166-11 OSF15-1 OSF22-6	00672 01386 SF 60:14-61:9 SF 79:15-79:17
235.	Recommends utilizing user experience design professionals with regard to how the opt-out button is utilized on the website. OAG should ensure that dark patterns are not utilized.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #221. Separately, § 999.315(c) has been added to ensure that businesses do not utilize a method for submitting request to opt-out that is designed with the purpose or has the substantial	OSF8-4 OSF8-5	SF 80:21-81:1, 81:17-82:5 SF 81:2-81:5

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		effect of subverting or impairing a consumer's decision to opt-out. See FSOR, § 999.315(c).		
236.	Commenter is holder of trademark for "OptOut" design shown in comment. Commenter is concerned that Civil Code § 1798.185(a)(4)(C)'s requirement that the OAG establish rules "for the development and use of a recognizable and uniform opt-out logo or button" may infringe on it's trademark. Commenter also wants to know when Opt-Out button design will be released and if the OAG is interested in (1) working with private companies to provide consent management services to consumers; (2) using commenter's "OptOut" logo.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #221.	W158-2 OSF3-1 OSF3-2 OSF 3-3	01285-01286 SF 19:2-19:10 SF 19:11-19:14 SF 19:15-19:24
§ 999.307. Notice of Financial Incentive				
- § 999.307 generally				
237.	Comments support § 999.307 as written, particularly the requirement to provide notice before the financial incentive is offered.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W74-38 W74-39	00536 00536
238.	Requests confirmation that businesses not offering financial incentives or price or service differences do not have to provide notice of financial incentives or related information in privacy policy.	Accept. Section 999.307(a)(1) provides in relevant part, "A business that does not offer a financial incentive or price or service difference related to the collection, retention, or sale of personal information is not required to provide a notice of financial incentive."	W57-9	00304
239.	Regulation should clarify that "where a business is legally required to offer a financial incentive based on risk or service, no notice is required."	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. It is unclear when, if ever, a business would be "legally required to offer a financial incentive based on risks or service." To the extent that the comment is concerned that complying with a state or federal law may create a price or service difference that may be considered	W42-8	00183

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		discriminatory, § 999.336(g) has been added to clarify that a price or service different that is the direct result of compliance with a state or federal law is not considered discriminatory. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
- **§ 999.307(a)**				
240.	Section § 999.307(a)(1) should define or delete the term "retention."	No change has been made in response to this comment. The term "retention" is reasonably clear and should be given its ordinary meaning of the continued possession, use, or control of something (in this context, the opposite of "deletion").	W42-8	00183
241.	Clarify that the notice of financial incentive is not required if the financial incentive is offered only in connection with the collection of personal information.	No change has been made in response to this comment. Civil Code § 1798.125(b) includes in its description of "financial incentives" "payments to consumers as compensation[] for the collection of personal information" and requires appropriate notice before consumers may opt in to a financial incentive program. Accordingly, the comment's request conflicts with the text of the CCPA.	W69-8 W123-13	00443-00444 00958
242.	Add "access … a consumer's personal information" to the list of activities for which a financial incentive may be offered.	No change has been made in response to this comment. The CCPA does not describe "access to a consumer's personal information" as an activity subject to rules governing financial incentives. See Civ. Code § 1798.125(b). To the extent that the comment is using "access" as a synonym to "collect," the regulation already reflects this activity.	W143-1	01097-01098
243.	Clarify that a notice of financial incentive is required only when a financial incentive or price or service difference implicates a right created by the CCPA.	Accept in part. Section 999.307(a)(1) has been modified to clarify that "A business that does not offer a financial incentive or price or service difference related to the collection, retention, or sale of personal information is not required to provide a notice of financial incentive." The OAG has chosen this language instead of the comment's suggestion to use the phrase "exercising a right created by the CCPA" because a description of the activities implicated—"collection, retention, or sale"—will be	W162-15	01327-01329

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		more helpful to businesses' understanding of how to comply with their obligation than a mere reference back to the statute.		
244.	Add language clarifying that the business must provide the notice of financial incentive without requiring the consumer to create an account or log-in or otherwise request or receive services from the business.	No change has been made in response to this comment. The proposed language is unnecessary and may impose additional burdens. Section 999.307(a)(2)(e) provides that the notice of financial incentive shall be "readily available where consumers will encounter it before opting into the financial incentive or price or service difference." Moreover, in certain business circumstances, the comment's more prescriptive language may create additional burdens for businesses without providing further benefits to consumers.	W178-2	01496
245.	Making notices accessible to individuals with disabilities will be challenging in many settings, including on IoT devices, video and other offline contexts. Comment requests specific guidance on what constitutes adequate notice in an offline context, including standards on accessible notice. Comment wants consideration of the use of visual indicators.	Accept. Revised § 999.307(a)(2)(d) provides clarifying guidance, including standards on how to make notices accessible to persons with disabilities.	W188-10	01577-01578
- § 999.307(b)				
246.	Eliminate businesses' obligation to provide a good-faith estimate of value of the consumer's data that forms the basis for offering the financial incentive or price or service difference because the value of a consumer's data is often derived from the sale of advertising opportunities and is difficult to calculate, uncertain, may vary over time, or depend upon the specific services the consumer chooses.	No change has been made in response to this comment. In drafting these regulations, the OAG has considered that precise calculations of the value of a consumer's data to the business may be difficult. For this reason, the regulations require only "a good-faith estimate." Specifically, § 999.337 provides several bases for businesses to consider in establishing a "reasonable and good faith method for calculating the value of the consumer's data," including "[a]ny other practical and reasonably reliable method of calculation used in good-faith." Civil Code § 1798.125(b)(3) requires businesses offering financial incentives to provide the consumer with "the material terms of the financial incentive program." Because any financial incentive or price or service difference must be "reasonably related" to the	W26-2 W43-2 W60-3 W73-20 W96-4 W98-9 W101-8 W124-7 W147-5 W148-4 W157-4 W161-6	00071-00073 00189 00321-00322 00524 00686 00723 00740-00741 00963 01125-01126 01145-01147 01238, 01245-01250 01300-01301

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		value of the consumer's data, a business may only offer such an incentive or difference if the business is able to calculate an estimate of the value of the consumer's data. See Civ. Code § 1798.125; § 999.336(a) & (b). For these reasons, the OAG considers the value of the consumer's data to be a material term of any financial incentive program. See Civ. Code § 1798.125(a) & (b); § 999.307(b).	W162-53 W166-7 W170-3 W179-3 W190-12 W190-13 W197-3 W197-10 W202-11 W207-2 W207-3 OFres2-3 OSF5-1 OSF22-3	01357-01358 01384-01385 01419 01505 01592 01593 01634 01635 01662-01663 01705-01707 01705-01707 Fres 14:23-16:4 SF 24:15-26:1 SF 78:15-79:2
247.	Eliminate businesses' obligation to provide a good-faith estimate of the value of the consumer's data and a description of the method used to calculate that value because the description of the method or the value of the data is proprietary and/or a trade secret and therefore disclosure would cause competitive harm, constitute a taking, and impose litigation risk.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. The comment does not demonstrate that the method or the value of the consumer's data is a trade secret pursuant to Civ. Code § 3426.1, which requires, among other things, a showing that the information asserted to be a "trade secret" "[d]erives independent economic value … from not being generally known to the public" and "[i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy…" The comment does not make either showing with respect to the value of the consumer's data or a description of the method to calculate it. Nor does the comment provide evidence that disclosure of the method of calculation or the good-faith estimate of the value of the consumer's data would result in competitive harm. Thus, any potential competitive harm is speculative, and in any case, the potential for harm is further mitigated because all similarly situated competitors in California will be bound by the same disclosure requirements. The comment likewise fails to provide	W26-2 W53-4 W53-5 W90-9 W60-1 W60-5 W69-8 W88-15 W96-4 W98-9 W112-31 W114-6 W123-13 W148-4 W150-3 W161-6 W162-17 W165-23 W165-24	00071-00073 00243-00244 00244 00650-00651 00321 00322, 00443-00444 00628-00629 00686 00723 00851 00865-00866 00958 01145-01147 01173 01300-01301 01329-01330 01378 01379

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		sufficient evidence that required disclosure could qualify as a regulatory taking or impose litigation risk. Civil Code § 1798.185(a)(3) provides the Attorney General with authority to "[e]stablish[] any exceptions necessary to comply with state or federal law, including, but not limited to, those relating to trade secrets and intellectual property rights[.]" However, even if the method or the value of a consumer's data, in certain fact-specific situations not addressed in the comment, could constitute a trade secret, neither federal nor state law provide absolute protection for trade secrets. *See, e.g.*, *Federal Open Market Committee of Federal Reserve System v. Merrill*, 443 U.S. 340, 362 (1979); *Davis v. Leal*, 43 F. Supp. 2d 1102, 1110 (E.D. Cal. 1999); *Raymond Handling Concepts Corp. v. Superior Court*, 39 Cal.App.4th 584, 590 (Cal. Ct. App. 1995). Instead, the interests in favor of protecting trade secrets must be weighed against the need for disclosure. *Id.* The comment has not suggested an alternative that would give greater protection to potential trade secrets while still providing consumers with the material terms of the financial incentive program, including the value of the consumer's data. For the reasons set forth in the FSOR, the OAG has determined that a blanket exemption from disclosure for any information a business deems could be a trade secret would be overbroad and defeat the Legislature's purpose of protecting consumers' privacy and prevent discrimination against consumers who exercise their privacy rights. See FSOR, § 999.307(b).	W170-3 W186-29 W190-12 W202-11 W207-2 W207-3 OSF5-1 OSF21-7 OFres2-3	01419 01555-01556 01592 01662-01663 01705-01707 01705-01707 SF 24:15-26:1 SF 75:19-75:24 Fres 14:23-16:4
248.	Eliminate businesses' obligation to provide a good-faith estimate of the value of the consumer's data that forms the basis for offering the financial incentive or price or service difference because calculating such value will be burdensome to businesses.	No change has been made in response to this comment. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. In order to minimize the burden on businesses, § 999.307(b) only requires "a good-faith estimate." The OAG considered requiring a specific calculation method, but in order to minimize the burden on businesses, the OAG provided several bases for businesses to choose from to	W26-2 W96-4 W98-9 W101-8 W114-5 W124-7 W147-5	00071-00073 00686 00723 00740-00741 00865-00866 00963 01125-01126

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		establish a "reasonable and good faith method for calculating the value of the consumer's data," including "[a]ny other practical and reasonably reliable method of calculation used in good-faith." See § 999.337. Providing multiple flexible options, in the OAG's judgment, is the least burdensome means to ensure consumers receive notice of "the material terms of the financial incentive program," including the value of the consumer's data. See Civ. Code § 1798.125(a) & (b); § 999.307(b).	W148-4 W151-13 W155-18 W157-4 W161-6 W162-53 W166-7 W197-3 W197-10 W207-2 W207-3 OSF5-1 OLA20-4	01145-01147 01186 01220-01221 01238, 01245-01250 01300-01301 01357-01358 01384-01385 01634 01635 01705-01707 01705-01707 SF 24:15-26:1 LA 62:13-63:5
249.	Eliminate businesses' obligation to provide a good-faith estimate of value of the consumer's data that forms the basis for offering the financial incentive or price or service difference because estimates will be imprecise and will increase the length of any disclosure without providing additional benefits to consumers.	No change has been made in response to this comment. The OAG considers the value of the consumer's data to be a material term of any financial incentive program because any financial incentive or price or service difference must be "reasonably related" to the value of the consumer's data. See Civ. Code § 1798.125(a) & (b); § 999.307(b). Businesses offering financial incentives must provide the consumer with "the material terms of the financial incentive program" before the consumer opts in to the financial incentive program under Civ. Code § 1798.125(b)(3). Thus, businesses must provide consumers with a good-faith estimate of the value of their data before offering any financial incentive. The comment does not provide any evidence that the good-faith estimate will be less helpful to consumers considering participation in a financial incentive program than no information at all about the value of their data. Nor do any comments explain why inclusion of the value of the consumer's data—a single number that is likely to be highly salient—will significantly increase the length of any disclosure or	W26-2 W96-4 W114-5 W120-11 W124-7 W147-5 W148-4 W155-18 W157-4 W162-53 W165-25 W166-7 W190-12	00071-00073 00686 00865-00866 00932-00933 00963 01125-01126 01145-01147 01220-01221 01238, 01245-01250 01357-01358 01379 01384-01385 01592

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		cause consumers to be less likely to benefit from the information contained therein.		
250.	Modify § 999.307(b)(5) to read: "An explanation of why the financial or price or service difference is permitted under the CCPA, including: (a) for differences in price or service, a meaningful description of why the business cannot provide the same price or level of service without access to the consumer's personal information; and (b) for financial incentives, a meaningful description of how the business benefits from its ability to collect, use or sell the consumer's personal information and how it determined that the financial incentive offered was a suitable exchange."	No change has been made in response to this comment. The comment's proposal is less effective in carrying out the purpose and intent of the CCPA and would be more burdensome to affected private persons. Civil Code § 1798.125(b)(3) requires businesses offering financial incentives to provide the consumer with "the material terms of the financial incentive program." Because any financial incentive or price or service difference must be "reasonably related" to the value of the consumer's data, a business may only offer such an incentive or difference if the business is able to provide an estimate of the value of the consumer's data. See Civ. Code § 1798.125; § 999.336(a) & (b). For these reasons, the OAG considers the value of the consumer's data be a material term of any financial incentive program. See Civ. Code § 1798.125(a) & (b); § 999.307(b). The regulations currently require disclosure of the value of the consumer's data and a description of the method used to calculate it, thus ensuring that consumers receive and understand these material terms of the financial incentive program. Because a business cannot offer a price or service difference or financial incentive without first demonstrating that it is reasonably related to the value of the consumer's data, the business would necessarily already have the information § 999.307(b)(5) requires it to disclose. By contrast, the proposed language would create an extra burden on private actors by requiring businesses to produce new descriptions they may not already have while failing to provide consumers with an understanding of the value of their data.	W96-4	00686
251.	Eliminate businesses' obligation to provide the good-faith estimate of value of the consumer's data and a description of the method the business used to calculate the value of the	No change has been made in response to this comment. Civil Code § 1798.185(a)(6) provides the Attorney General with authority to "establish[] rules, procedures, and any exceptions necessary to ensure that the notices and information that	W43-2 W83-2 W98-9 W114-5	00189 00585-00586 00723 00865-00866

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	consumer's data because the requirement exceeds the authority granted by the CCPA.	businesses are required to provide … are provided in a manner that may be easily undersstood by the average consumer … including establishing rules and guidelines regarding financial incentive offerings," and Civ. Code § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. For the reasons set forth in the ISOR, this regulation is necessary. ISOR, p. 12. Civil Code § 1798.125(b)(3) requires businesses offering financial incentives to provide the consumer with "the material terms of the financial incentive program." Because any financial incentive or price or service difference must be "reasonably related" to the value of the consumer's data, the OAG considers the value of the consumer's data and the method used to calculate that value to be material terms of any financial incentive program that consumers must be provided in order to understand the program's terms and to make an informed decision on whether to participate in the financial incentive program. See Civ. Code § 1798.125(a) & (b); § 999.307(b). Moreover, because any price or service difference or financial incentive that is not "reasonably related" to the value of the consumer's data is discriminatory in violation of Civ. Code § 1798.125(a) & (b), the requirement that businesses disclose this value and a description of the method to calculate it will assist the OAG's identification of violations of the CCPA and enforcement of the law.	W120-11 W124-7 W148-4 W150-3 W155-18 W161-6 W162-53 W165-22 W179-3 W186-29 W190-14 W190-15 OLA20-4	00932-00933 00963 01145-01147 01173 01220-01221 01300-01301 01357-01358 01378-01379 01505 01555-01556 01593 01593 LA 62:13-63:5
252.	Eliminate the obligation to provide a good-faith estimate of value of the consumer's data that forms the basis for offering the financial incentive or price or service difference because the Legislature did not pass AB 950.	No change has been made in response to this comment. AB 950 would have required the disclosure of the monetary value of consumers' data in circumstances unrelated to the offering of financial incentives. Its legislative history does not bear on the Legislature's intent with respect to the material terms of financial incentive programs. By contrast, Civ. Code § 1798.125(b)(3) requires businesses offering financial incentives to provide the consumer with "the material terms of the financial incentive program." Because any financial incentive or	W162-53	01357-01358

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		price or service difference must be "reasonably related" to the value of the consumer's data, a business may only offer such an incentive or difference if the business is able to calculate an estimate of the value of the consumer's data. See Civ. Code § 1798.125; § 999.336(a) & (b). For these reasons, the OAG considers the value of the consumer's data be a material term of any financial incentive program, which must be disclosed before the consumer is given the opportunity to opt in to the program. See Civ. Code § 1798.125(a) & (b); § 999.307(b).		
253.	Remove requirement to disclose categories of personal information that are implicated by the financial incentive or price or service difference.	No change has been made in response to this comment. Civil Code § 1798.125(b)(3) requires businesses offering financial incentives to provide the consumer with a notice "that clearly describes the material terms of the financial incentive program." In order to understand a financial incentive program's "material terms," a consumer must be informed of the categories of personal information that are implicated by the financial incentive or price or service difference. For this reason, the comment's request conflicts with the CCPA.	W69-8, W123-13 W162-16	00443-00444 00958 01329-01330
254.	The benefits of loyalty programs are unrelated to the value of the consumer's data, and accordingly businesses providing loyalty programs should not have to disclose the value of the consumer's data to the business.	No change has been made in response to this comment. "A business that does not offer a financial incentive or price or service difference related to the disclosure, deletion, or sale of personal information" need not disclosure the value of the consumer's data to the business. § 999.307(a)(1). However, if a business does offer such a financial incentive or price or service difference (including by way of a "loyalty program," which is not a defined term in the CCPA), it must be reasonably related to the value of the consumer's data to the business. *See* Civ. Code § 1798.125. The comment has not provided evidence that loyalty programs' benefits are in fact generally unrelated to the value of the consumer's data. However, if that is the case, disclosure of the data's value is all the more important. The purpose of the CCPA's anti-discrimination provisions is to ensure that any financial incentives or price or service differences	W53-4	00243-00244

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		connected to the exercise of CCPA rights are reasonably related to the value of the consumer's data. Finally, Legislature considered but ultimately rejected a bill that would have exempted "loyalty programs" from certain requirements applicable to financial incentive programs. See AB 846 (2019-2020). That rejection indicates the Legislature's intent that loyalty programs, however defined, should receive the same treatment as other financial incentives.		
255.	Clarify the policy, enforcement purposes, and intended uses of publishing the calculated value of consumer data.	No change has been made in response to this comment. For the reasons set forth in the FSOR at § 999.307(b), this regulation is necessary. Civ. Code § 1798.125(b)(3) requires businesses offering financial incentives to provide the consumer with "the material terms of the financial incentive program." Because any financial incentive or price or service difference must be "reasonably related" to the value of the consumer's data, the OAG considers the value of the consumer's data to be a material term of any financial incentive program. *See* Civil Code § 1798.125(a) & (b); § 999.307(b). In order to understand the material terms of the financial incentive program and make an informed decision whether to participate, consumers must be provided with a good-faith estimate of the value of their data and a description of the method used to calculate that estimate. It is not clear what the comment means by "enforcement purposes." If the comment means to ask whether the disclosed value of a consumer's data to a business could ever be relevant to enforcement of the CCPA, the answer is yes because any financial incentive or price or service difference must be reasonably related to the value of the consumer's data. If the comment instead asks for a description of the OAG's current enforcement plans, such information is not the appropriate subject of a comment response and would likely be confidential under Gov. Code § 6254(f).	W90-9	00650-00651

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256.	Exempt compensated marketing research from the notice of financial incentive requirement or provide an alternative opt-in regime tailored to marketing research that compensates consumers for their participation.	No change has been made in response to this comment. Compensation for consumers' participation in marketing research does not fall within any enumerated financial incentive exception provided for by the CCPA. See Civ. Code §§ 1798.125, 1798.185. The comment does not provide sufficient specificity to the OAG to make any modifications to the text that would treat compensation for marketing research differently than other financial incentives while maintaining the integrity and general applicability of the regulations. The regulations are meant to be robust and applicable to many factual situations and across industries.	W122-3 W122-4	00948-00950 00948-00950
257.	Regulations require notice of financial incentives that would not count as "financial incentives" under the CCPA.	No change has been made in response to this comment. The comment is incorrect. The definition of financial incentive provided in these regulations and the section describing when a notice is required both reflect the situations in which a notice is required per the CCPA's provisions regarding financial incentives. Compare §§ 999.301(j) & 999.307(a) with Civ. Code § 1798.125(b).	W128-7	01001-01002
258.	Disclosure of "explanation of why the financial incentive or price or service difference is permitted under the CCPA" could call for privileged information and should be removed.	Accept in part. While the comment did not provide sufficient evidence to show that an "explanation of why the financial incentive or price or service difference is permitted under the CCPA" necessarily implicates privileged information, the OAG believes this concern may be alleviated without otherwise compromising the effectiveness of the regulation. Section 999.307(b) has been modified to require an explanation of *how* the financial incentive or price or service difference is reasonably related to the value of the consumer's data, which is a factual matter, rather than a more general explanation of why the financial incentive or price or service difference is permitted under the CCPA.	W148-4	01145-01147
259.	Supports requirement to disclose value of consumer's data and description of method of calculation.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment	W174-17	01447-01448

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		concurred with the proposed regulations, so no further response is required.		
§ 999.308. Privacy Policy				
- § 999.308 generally				
260.	Expresses support for § 999.308. Comments note that the section is clear and concise and the proposed guidelines for privacy policies will help consumers better understand their rights.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W74-40 W174-18	00536 01448
261.	Privacy policy requirements, including requiring comprehensive description of online and offline practices, are 1) costly, 2) overly burdensome, 3) operationally challenging, and 4) undermine the intent of CCPA by causing companies to write lengthy, confusing, and unclear privacy policies and by being more prescriptive than the CCPA which does not require specifying the categories of information collected, the source types, business purposes and third parties that may receive the information. Comments suggest alternatives such as a statement of company's overall privacy practice that involves the collection, usage and sharing of consumers' personal information, or only having one privacy policy that contains all required notices and information.	No change has been made in response to this comment. The comment's proposed change is not more cost effective to affected privacy persons and not more effective in implementing the statutory policy. Civil Code § 1798.130(a)(5) requires a business to disclose certain information in its privacy policy, including categories of personal information it has collected and categories of personal information that the business has disclosed for a business purpose or sold. Civil Code § 1798.185(a)(6) and (b) provide the Attorney General with the authority to establish "rules and procedures to further the purposes of Section 1798.110 and 1798.115" and adopt regulations as necessary to further the purposes of the CCPA. Section 999.308, as amended, is similar to the requirements set forth in Civil Code §§ 1798.110 and 1798.115 with respect to the categories of sources from which personal information is collected and category of third parties with whom the business shares personal information. Section 999.308, as amended, is necessary to ensure that the privacy policy contains the necessary information and is provided in a manner that makes it easily understandable to the consumer, as required by Civ. Code § 1798.185(a)(6). The OAG has made every effort to limit the costs and burden of the regulations while implementing the CCPA. For example, prescribing the manner and format in which businesses provide notices to consumers may not best facilitate the comprehension of these notices and the privacy policy. See	W42-9 W90-2 W190-17	00183 00647-00648 01594

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		ISOR, pp. 42-43. The regulations provide the business with discretion in determining the best way to communicate the required information and also provide the business with the flexibility to craft the privacy policy in a way that the consumer understands them. ISOR, p. 46.		
262.	The OAG should not create prescriptive language requirements for identifying "categories of sources" and "categories of third parties."	No change has been made in response to this comment. The OAG has revised Sections 999.301(d) and (e) in response to other comments, and thus, this comment is now moot. See response #66, 68.	W61-9	00348
263.	Clarify or provide more examples of the "categories of personal information" and what it means to demonstrate "meaningful understanding of the information being provided." Comments suggest the regulations should not require certain language (because it could become inaccurate or may change over time) but provide general language that would allow some level of comparability or consistency. Comments propose that one category can be "any personal information that the customer provides."	No change has been made in response to this comment. Civil Code § 1798.140(o) defines "personal information." The term "categories" may be readily understood by reference to the common usage of the word. As explained in the ISOR, the notices and privacy policy take a performance-based approach, calling for the notice to be designed and presented in a way that is easy to read and understandable by consumers. ISOR, p. 13. The phrase "meaningful understanding of the information being provided" places the onus on the business to focus on the consumer's ability to comprehend what is being communicated. The comment's proposal to provide more examples of how this can be done is not more effective in carrying out the purpose and intent of the CCPA because comprehension may be contextual and specific to the industry or business. The OAG does not believe it will add additional clarity to provide examples and it would be too limiting. The regulations provide the business with discretion in determining the best way to communicate the required information and provides the business with the flexibility to craft the privacy policy in a way that the consumer understands them.	W45-14 W48-5 W61-9	00202 00219 00348
264.	Amend to explain that businesses must provide notice of consumer rights under the CCPA only where such consumer rights may be exercised with respect to personal information held by	No change has been made in response to this comment. The CCPA requires a business to disclose certain information in the required notices and privacy policy. See Civ. Code §§ 1798.100(b), 1798.105, 1798.120(b), 1798.130, 1798.135. The	W88-19 W145-5 OLA8-1	00630 01109 LA 27:16-27:24

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	such business. Consumer confusion could result from explaination of a certain right under the CCPA when the business is not required to honor that right because of one or more exemptions.	CCPA-mandated disclosures are required even if the business is not required to comply with the consumers' exercise of their rights.		
265.	The longer the privacy policy, the less likely an individual will actually read the policy in its entirety, hindering the very intent of the CCPA.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change these regulations.	W108-3	00815
266.	If a business does business in multiple states or countries, the OAG should be required to take that into account in making any legal evaluation of the business's privacy policy.	No change has been made in response to this comment, which is interpreted to be an observation or comment to the Attorney General about prosecutorial discretion, rather than a specific recommendation to change these regulations.	W115-30	00884-00885
267.	Clarify that a business is allowed to provide information about, and access to, the "Do Not Sell" link and/or opt-out opportunity in its privacy policy.	No change has been made in response to this comment. To the extent the comment merely seeks clarification that it can re-post information about the "Do Not Sell" link in its privacy policy, this is provided for in § 999.305(b)-(c). However, to the extent that the comment seeks to avoid some of its legal obligations under the CCPA, the OAG notes that the law mandates specific requirements as it pertains to the right to opt-out of the sale of personal information. See Civ. Code §§ 1798.120(b), 1798.135. The law requires a business to provide notice of the right to opt-out, which is separate and apart from the CCPA's requirements for the privacy policy. *Cf.* Civ. Code §§ 1798.120(b), 1798.130(a)(5). The law also requires every business to "provide a clear and conspicuous link on the business's Internet homepage, titled 'Do Not Sell My Personal Information,'" on its website, which is also a requirement separate and apart from what the business must disclose in its privacy policy. Civ. Code § 1798.135(a)(1).	W115-31	00885
268.	Businesses should be permitted to use and appropriately modify existing formats, such as under GLBA. A less prescriptive, more flexible approach is warranted to make privacy policies	No change has been made in response to this comment. Civil Code § 1798.130(a)(5) sets forth the requirements for the privacy policy. The regulation is necessary to ensure that the privacy policy contains the necessary information and is provided in a manner that makes it easily understandable to the average	W129-7 W130-1	01008 01013

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	easier for consumers to understand and for businesses to comply.	consumer, as required by Civ. Code § 1798.185(a)(6). The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it is not necessary for the OAG to state whether a business may use and appropriately modify existing formats. In drafting these regulations, the OAG had considered and rejected a more prescriptive approach in the format and method by which businesses provide consumers the privacy policy required by the CCPA. ISOR, p. 42. The OAG reasoned that prescribing the manner and format in which businesses provide notices to consumers may not best facilitate the comprehension of these notices and the privacy policy. See ISOR, pp. 42-43. The regulations provide the business with discretion in determining the best way to communicate the required information and provides them with the flexibility to craft the notices and privacy policy in a way that the consumer understands them, so long as it meets baseline requirements set forth in the CCPA and these regulations.		
269.	Clarify CCPA notice requirements for businesses subject to notice requirements under other laws, such as the GLBA or state insurance law. Comments propose modifications, including exempting GLBA-covered entities from the CCPA's notice requirements; clarifying that CCPA notices and other legally required privacy notices may be consolidated; clarifying that businesses may provide a separate CCPA notice; and providing model notices.	No change has been made in response to this comment. Given the wide variety of different industries subject to both the CCPA's notice requirements and additional notice requirements under other laws, there are many different ways in which businesses may comply with the laws. Neither the CCPA nor the regulations proscribe that CCPA notice must be separate, as long as the CCPA notice complies with the CCPA and its regulations. Consumers are unlikely to be confused about the notices. The OAG has reasoned that prescribing the manner and format in which businesses provide notices to consumers may not best facilitate the comprehension of these notices and the privacy policy. See ISOR, pp. 42-43. The regulations provide businesses with flexibility and discretion in determining the best way to communicate the required information to avoid consumer confusion.	W31-2 W135-4 W137-1 W167-6 W167-7	00111 01042-01043, 01047 01056-01057 01391-01392 01392-01393

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270.	Companies should be required to provide more information about how they use and process data. The primary audience is not the average consumer but regulators, the press, and consumer or advocacy organizations that will hold companies accountable.	No change has been made in response to this comment. Civil Code § 1798.185(a)(6) requires the Attorney General to establish rules and procedures necessary to ensure that the notices and information that businesses are required to provide are "easily understood by the average consumer." In drafting these regulations, the OAG considered the language, structure, and intent of the CCPA, as well as the effectiveness and burden to affected private persons. The regulations provide the business with discretion in determining the best way to communicate the required information and provides the business with the flexibility to craft the privacy policy in a way that the consumer understands them. See ISOR, p. 46.	W174-18	01448
271.	Seeks more guidance, examples, or sample templates for the privacy policy. Comments ask how privacy policy can be reasonably accessible to consumers with disabilities, how they may access in an alternative format, examples of alternative formats that would be compliant with the CCPA when presented via: 1) website; 2) "printed forms" or "paper versions"; and 3) "signage." Comments claim providing template will help consumers not be confused by varying forms of policy that would otherwise be developed.	Accept in part. Section 999.308(a)(2)(d) has been modified to give additional guidance for notices provided online to consumers with disabilities. The OAG has also modified § 999.308(b) to state a mobile app may include a link to the privacy policy in the application's settings menu. However, no sample template has been provided at this time. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine how to provide additional examples, sample language, and/or templates.	W45-11 W45-12	00201 00201
272.	The regulations require information to provided in the privacy that is not required by the CCPA. Delete § 999.308(b)(1)(c) and § 999.308(b)(2)(c), which require a description of the general process by which the business will verify the consumer request, because those sections are not required by the CCPA. The regulations	No change has been made in response to this comment. Civil Code § 1798.185(a)(7) requires the OAG to adopt regulations that establish "rules and procedures to further the purposes of Civil Code §§ 1798.110 and 1798.115," and "to govern a business's determination that a request for information received from a consumer is a verifiable consumer request." The provision is necessary because, taken together with the other	W136-6	01052

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	should only require disclosure of the information consumers must provide for the business to verify their request.	provisions in § 999.308, it provides a comprehensive picture of a business's privacy practices and of how consumer can exercise their rights under the CCPA. The provision provides transparency to the public about the exercise of consumer privacy rights under the CCPA, informing consumers in advance how they may exercise their rights.		
273.	Sections 999.308(b)(1)(a), (b)(1)(d)(1), and (b)(1)(d)(2), conflict with or are prevented by the Bank Secrecy Act. The CCPA should be limited to disclosure of information collected directly from the consumer, and should not apply to other information gathered in compliance with the Bank Secrecy Act.	No change has been made in response to this comment. Civil Code §§ 1798.145 and 1798.196 state that the CCPA does not restrict a business's ability to comply with federal law and shall not apply if it is preempted by or in conflict with federal law. If federal law requires a business to act in a manner differently than these regulations, Civil Code §§ 1798.145 and 1798.196 would control. The comments object to the underlying statute.	W128-8 W128-9 W128-10	01002 01002 01002-1003
- **§ 999.308(a)(1)**				
274.	Comment claims that requiring a privacy policy to disclose "backwards-looking information" (information from the preceding 12 months) conflicts with § 999.308(a)(1), which states that the privacy policy shall not contain specific pieces of personal information about individual consumers. Comment claims that "'backwards-looking information' will be for different consumers and for different situations." The regulations should clarify that the language in § 999.308(a)(1) does not require information from the preceding 12 months.	No change has been made in response to this comment. Civil Code § 1798.130(a)(5)(B) and (C) require the privacy policy to include "backwards-looking information." The comment's understanding of the CCPA is inconsistent with the language, structure, and intent of the CCPA. The regulation, as amended, no longer contains the requirement that the privacy policy shall not contain specific pieces of personal information about individual consumers and need not be personalized for each consumer, and thus, part of the comment is now moot.	W115-32	00885
275.	Proposed Insert: "The privacy policy shall inform consumers of the categories of personal information excepted from the CCPA and how it may affect their rights under the CCPA." This will make clearer to consumers what their rights are under the CCPA.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because the CCPA does not require the proposed language. Civil Code § 1798.130(a)(5) sets forth some of the required content of a privacy policy, including among other things, "a description of a consumer's rights pursuant to Sections 1798.100, 1798.105, 1798.110, 1798.115,	W135-2	01041, 01045

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		and 1798.125. As stated in the ISOR, "the privacy policy provides in one place all the disclosures required by the CCPA, including explanations of the consumer privacy rights conferred by it." ISOR, p. 13.		
- **§ 999.308(a)(2)(c)**				
276.	Limit language requirement to the languages in which the business provides contracts, disclaimers, etc. to California consumers.	Accept.	W61-10	00348
277.	Clarify the meaning of "other information to consumers."	No change has been made in response to this comment. The meaning of "other information to consumers" can be understood within the context in which the phrase is used. The regulation is meant to apply to a wide-range of factual situations and across industries. The OAG does not believe it will add additional clarity to provide a meaning of "other information to consumers" and it would be too limiting considering the wide range of contexts, factual situations, and industries.	W61-10	00348
278.	Identify the English-language version as the controlling document, in the event of any conflicts.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA, and is not necessary to effectuate the purpose and intent of the CCPA. This modification is not necessary and would add complexity to the rules without providing identifiable benefits.	W61-10	00348
- **§ 999.308(a)(2)(e)**				
279.	Delete "additional" and "separate," so that text reads: "Be available in an additional format that allows a consumer to print it out as a separate document." If the privacy policy prints out well already, there should be no need to require an additional format.	Accept.	W140-8	01081
280.	Clarify that providing a website address where a printable version of the privacy policy is available is sufficient to satisfy the requirement that the	No change has been made in response to this comment. Section 999.308(a)(2)(e), as amended, requires the privacy policy to be available in a format that allows a consumer to print it out as a	W204-6	01681

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	policy be printable. Otherwise, a problem as the "Internet of Everything" expands to devices that do not have a print functionality.	document. The provision is meant to apply to a wide-range of factual situations and across industries. The provision has a plain meaning, and no clarification is required.		
-	**§ 999.308(a)(3)**			
281.	Allow mobile applications to meet the requirement to provide a privacy policy by making the policy available from within the application itself, for example, through the application settings.	Accept.	W60-26 W74-26	00335 00534
282.	Allow mobile applications to meet the requirement to provide a privacy policy in a digital distribution platform for computer software applications, such as an application store.	No change was made in response to this comment. Section 999.308(b) allows the privacy policy to be posted "on the download or landing page of a mobile application." The OAG believes that the download page of a mobile application covers a digital distribution platform for computer software applications, such as an application store.	W60-26	00335
283.	Clarify how a "brick and mortar" business that has no website, and does not have consumers physically visiting its building, should provide consumers its privacy policy.	No change was made in response to this comment. The comment seeks legal advice regarding the CCPA and is therefore irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation is meant to apply to a wide-range of factual situations and across industries. The regulation provides general guidance for CCPA compliance.	W45-13	00201-00202
284.	The requirement to have a conspicuous link for consumer privacy rights has the potential to cause confusion for businesses that operate nationally. The business should be able to freely identify how it will conspicuously post its privacy policy in a way that benefits all consumers nationally.	No change was made in response to this comment. In drafting these regulations, the OAG has considered the effect on local, state, national, and international businesses across different industries. The regulations are meant to be robust and application to many factual situations and across industries and businesses. The regulation, as amended, implements and clarifies Civil Code § 1798.130(a)(5), instructing businesses where and how to post their privacy policies. It also establishes rules and procedures to ensure that the notices and information that	W61-11	00348

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		businesses are required to provide pursuant to CCPA are provided in a manner that may be easily understood by the consumer. The comment does not provide a compelling reason for exempting national businesses from the requirement of posting their privacy policy online through a conspicuous link and does not provide evidence of consumer confusion.		
285.	Requiring the privacy policy within a California-specific description of consumers' privacy rights on its website is outside the scope of the CCPA. The regulation should be modified to require a "link" to the privacy policy instead of the content of the entire privacy policy.	No change has been made in response to this comment. Modifying the regulation to require a "link" would add complexity to the rules without providing identifiable benefits. The regulations provide the business with discretion in determining the best way to communicate the required information and provides them with the flexibility to craft the notices and privacy policy in a way that the consumer understands them.	W132-2	01022
286.	Requests clarification for a "conspicuous link" and whether it requires that it be in a larger font or is having it at the bottom of the page sufficient to meet the requirement?	No change has been made in response to this comment. The OAG has not addressed this issue in a separate regulation at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. California law has defined "conspicuously post" in other contexts. See also Bus. & Prof. Code, § 22577.	W160-3	01292-01293
287.	Revise the regulation to not require the use of the word "privacy" as the link to the CCPA notice. Regulated companies must comply with requirements in other laws (e.g., HIPAA) and this requirement will confuse other consumers. Businesses should be allowed to define what words should link to the appropriate content.	No change has been made in response to this comment. Civil Code § 1798.185(a)(6) requires the OAG to establish rules and procedures to ensure that notices and information that businesses are required to provide pursuant to the CCPA are provided in a manner that may be easily understood by the average consumer. For the reasons set forth in the ISOR, the regulation is necessary to implement and clarify Civ. Code § 1798.130(a)(5), instructing businesses where and how to post their privacy policies. ISOR, p. 13. The regulation requires, among other things, that at a minimum the word "privacy" be used. Within that context, the regulations otherwise provide the business with discretion in determining the best way to	W189-5	01583

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		communicate the required information and provides them with the flexibility to craft the notices and privacy policy in a way that the consumer understands them. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it would make it more difficult for consumers to locate and access the privacy policy.		
- **§ 999.308(b)(1)(b)**				
288.	Delete or require only a link to instructions or webforms for submitting request because: (1) This requirement is a new and duplicative disclosure that is not required by the CCPA; and (2) The process is subject to change and would require changes to policies (on top of all the changes already required, such as updating every 12 months).	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because then the privacy policy may not include a comprehensive picture of a business's privacy practice. Civil Code § 1798.130(a)(5)(A) requires the privacy policy to include, among other things, a description of one or more designated methods for submitting requests. The regulation specifies the contents of the privacy policy, implementing Civ. Code § 1798.130(a)(5), and the other referenced sections concerning the consumer's rights include Civ. Code §§ 1798.110, 1798.115, and 1798.125. The regulation is necessary because it pulls together in one place the statutory requirements for the privacy to make the privacy policy a useful resource for consumers. The regulation also promotes transparency and informs consumers how they may exercise their CCPA rights, which is balanced against the burden on the business to update the privacy policy more frequently than the required 12 months.	W162-18	01330-01334
- **§ 999.308(b)(1)(c)**				
289.	Modify this provision to require only a description at a high level of generality.	Accept.	W65-4 W69-37 W123-13 W145-6 W186-5	00402 00463 00956 01109-01110 01549

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290.	Delete this provision because it: (1) does not indicate how much detail a business should disclose, which could overwhelm consumers; (2) provides a roadmap for bad actors to circumvent the measure that businesses must put in place to protect consumers and commit fraud; (3) would cause lengthy privacy policies; (4) would necessitate constant changes in the privacy policy as the verification process is updated; and (5) is a new disclosure obligation that is beyond those enumerated in the CCPA.	Accept in part. To address the concerns regarding the level and length of detail a business should disclose, the provision has been modified to require the privacy policy to describe in general the process the business will use to verify the consumer request, including any information the consumer must provide. Civ. Code § 1798.185(a)(7) requires the OAG to adopt regulations that establish "rules and procedures to further the purposes of Sections 1798.110 and Section 1798.115," and "to govern a business's determination that a request for information received from a consumer is a verifiable consumer request." The regulation is necessary because, taken together with the other provisions in § 999.308, it provides a comprehensive picture of a business's privacy practices and of how consumer can exercise their rights under the CCPA. The regulation also promotes transparency and informs consumers how they may exercise their CCPA rights, which is balanced against the burden on business to update the privacy policy more frequently than the required 12 months.	W42-10 W57-10 W61-12 W68-3 W69-37 W123-13 W129-2 W129-8 W130-1 W147-3 W162-19 W169-13 W186-5 W197-4	00183 00304 00348-00349 00420 00463 00956 01006 01008 01013 01124-01125 01331-01334 01409-01410 01549 01634
291.	Proposes alternative ways for businesses to provide information including (1) require businesses to instead link to the process the business will use to verify the consumer request or to an FAQ page, either of which shall include a general description of the information the consumer may be asked provide, or (2) allow businesses to provide information as part of request transaction instead of in privacy policy (so information required only upon consumer's inquiry or on landing page when a consumer clicks the link to submit a request, or by phone or other method, before the consumer is required to submit any identifying information).	Accept in part. To address the concerns regarding the level and length of detail a business should disclose, the provision has been modified to require the privacy policy to describe in general the process the business will use to verify the consumer request, including any information the consumer must provide. See response #290. As for the other alternatives, the comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because then the privacy policy would not include a comprehensive picture of a business's privacy practice. The regulation is necessary because it pulls together in one place the statutory requirements for the privacy policy, to make the privacy. The regulation also promotes transparency and informs consumers how they may exercise their CCPA rights, which is balanced against the burden on	W42-10 W69-37 W123-13 W162-19 W197-4	00183 00463 00958 01330-01334 01634

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		business to update the privacy policy more frequently than the required 12 months.		
292.	Proposes additional changes to § 999.308(b)(1(c). Comments suggest 1) clarify that business must provide a "reasonable" description of verification procedures, since processes are complex and it will be hard to come up with "plain, straightforward language," 2) require privacy policy to disclose that business will require consumer to verify identity before business may process consumer request, and 3) delete "including any information the consumer may provide" because this is a security risk by providing a roadmap for bad actors.	No change has been made in response to this comment. The OAG has revised the provision in response to other comments, and thus, the comment is now moot. See response #289.	W115-33 W169-13	00885-00886 01409-01410
- **§ 999.308(b)(1)(d)(2)**				
293.	Delete this provision because it: (1) imposes upon businesses a more complicated requirement than what is authorized by statute; (2) provides a roadmap for bad actors to circumvent the measures that businesses must put in place to protect consumers and commit fraud; (3) requires more information than is reasonably necessary for consumers to understand the collection and use of their personal information; (4) is burdensome; (5) would be difficult, if not impossible, to comply with because businesses may not have historically tracked information in this level of detail; and (6) would result in lengthy privacy policies.	Accept in part. The OAG has deleted the provision in order to align the regulations with Civil Code § 1798.130(a)(5)(C). The other reasons provided in this comment are now moot.	W45-15 W55-7 W57-11 W57-12 W60-25 W61-14 W63-22 W65-8 W68-3 W88-16 W106-4 W117-5 W123-4 W129-9 W130-1 W147-1 W155-16 W162-21	00202 00279 00304 00304 00334-00335 00349 00379-00380 00403-00404 00420 00629 00796 00918 00956 01008 01013 01122-01123 01218-01219 01334-01335

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			W186-22 W187-7	01553-01554 01568-01569
294.	Revise the provision to replace "shares" with "sells" in order to be consistent with Civil Code § 1798.130(a)(5)(C)(i). The regulation may require businesses to frequently revise privacy policies (for example, linkage between the type of personal information collected and categories of third-party recipients can change).	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #293.	W69-37 W70-3 W123-13 W148-5 W150-4 W155-16 W190-16	00463 00500-00501 00958 01148 01173 01218-01219 01593-01594
295.	Revise the provision to use consistent terms: Section 999.308(b)(1)(d)(2) uses the term "shares" while § 999.308(b)(1)(e)(2) uses the terms "disclosed or sold." "Shares" is not defined while "sale" is a broad term under the CCPA and includes "disclose."	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #293.	W189-6	01583
296.	Supports the provision because disclosure for each category furthers CCPA rights. Only by knowing this information may consumers meaningfully exercise their rights.	The OAG appreciates this comment of support. No change has been made in response to this comment. The OAG has deleted the provision in response to other comments. See response #293.	W199-5	01646-01647
- **§ 999.308(b)(1)(e)**				
297.	This provision omits requiring disclosure of the purpose(s) for which each category of personal information was shared with each category of third parties. Such a disclosure furthers CCPA rights. Only by knowing this information may consumers meaningfully exercise their rights.	No change has been made in response to this comment. The regulation, as amended, is consistent with the requirements of the CCPA for the privacy policy. See Civ. Code § 1798.130(a)(5). The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it would potentially require a complex matrix of informationthat may not be "easily understood by the average consumer." Civ. Code § 1798.185(a)(6). In drafting the regulation, the OAG has made efforts to balance the burden to business with the implementation of the CCPA's purpose. The proposed comment does not provide a discussion of the balance between providing	W199-6	01647

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		consumers with meaningful information and the potential burden this may impose on businesses.		
298.	This section appears to be redundant because it requires a business to disclose that they disclose. Rather, if the business does not disclose to third parties, that should be stated in the privacy policy. If a business does disclose to third parties, then listing the categories of third parties to whom the business discloses should be sufficient.	Accept in part. The OAG has deleted the requirement to state whether or not the business has disclosed or sold any personal information to third parties and inserted a provision to require a business, for each category of personal information identified, to provide the categories of third parties to whom the information was disclosed or sold.	W129-10 W130-1	01008 01013
299.	Lumping "business purposes" and "commercial purposes" in the disclosure requirement set forth in § 999.308(b)(1)(e)(1) may unfairly characterize benign activities under "business purposes." Consumers may be confused about whether "business purposes" would be within the scope of the CCPA's Do Not Sell right.	No change was made in response to this comment. The OAG has deleted the provision in response to another comment and thus, this comment is now moot. See response #293.	W82-2	00581
300.	Revise § 999.308(b)(1)(e)(2) to use the same terms set forth in § 999.308(b)(1)(d)(2). Section 999.308(b)(1)(e)(2) uses the terms "disclosed or sold" while § 999.308(b)(1)(d)(2) uses "shares." The terms should be consistent to avoid consumer confusion.	No change was made in response to this comment. The OAG has deleted § 999.308(b)(1)(d)(2) in response to another comment and thus, this comment is now moot. See response #293.	W189-6	01583
301.	Revise § 999.308(b)(1)(e)(3) to require a business to state whether or not the business sells the personal information of consumers that the business has actual knowledge are under 16 years of age without affirmative authorization. Revision harmonizes with the "actual knowledge" condition found in the CCPA's provisions regarding the sale of personal information of consumers 16 years of age.	Accept in part. The OAG has revised the provision to require a business to state whether the business has actual knowledge that it sells the personal information of minors under 16 years of age.	W112-24	00846

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302.	Clarify that a business does not have to make a statement about its practices of obtaining affirmative authorization to sell personal information in its privacy policy unless it has actual knowledge it collects personal information from minors under the age of 16. This is a new requirement not included in the text of the CCPA. This requirement may force businesses to investigate the ages of their users, which is not required by COPPA.	No change has been made in response to this comment. The OAG has revised the provision in response to another comment and thus, this comment is now moot. See response #301.	W60-27 W63-24	00336 00381
303.	Delete § 999.308(b)(1)(e)(3) because it is unnecessary given that a business may not sell the personal information of a minor under 16 years of age without affirmative authorization. It is also redundant where a business already discloses that it does not sell information. The provision would also require a business violating the law (and selling the information of minors without affirmative authorization) to state it is doing so.	Accept in part. The OAG modified this provision, now renumbered § 999.308(c)(1)(g)(3), to remove "without affirmative authorization" which eliminates the problem of businesses being required to state they are violating the law. However, the OAG did not delete the provision in its entirety because the privacy policy statement required by this provision provides helpful information for consumers. See FSOR, § 999.308(c)(1)(g)(3).	W61-13 W88-17 W129-11 W130-1	00349 00629 01008 01013
- § 999.308(b)(2)				
304.	This provision should not be mandated when it is inapplicable (*i.e.*, all of the personal information possessed by the business is exempt from the requirement to delete upon request). Including an explanation of a right that the consumer does not or may not have will result in consumer confusion and frustration.	No change has been made in response to this comment. Civil Code § 1798.130(a)(5)(A) requires a business to provide a description of consumers' rights, even when a business does not have to comply with the consumer's request.	W45-16	00202
305.	Businesses should be permitted to inform the consumer that the right to deletion may not be applicable in all circumstances or add	No change has been made in response to this comment. It is not necessary for the OAG to prescribe whether a business is allowed to provide the proposed information regarding the right to	W45-16 W209-8	00202 01728

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	explanation of effects of deletion, or reasons why a business cannot delete the consumers' information.	delete. The regulations provide the business with discretion in determining the best way to communicate the required information and flexibility to craft notices and their privacy policy in a way that the consumer understands them.		
306.	Section 999.308(b)(2)(a) should be changed to delete "or maintained" because this provision is inconsistent with: (1) the regulations' definition of "request to delete"; (2) the CCPA's deletion right; and (3) the ISOR.	Accept.	W55-2 W60-17 W88-18 W152-6 W160-4 W173-4 W186-25	00274-00275 00329 00630 01195-01196 01293 01430 01555
307.	Modify § 999.308(b)(2)(c) to require only a description at a high level of generality.	Accept.	W145-6 W186-5 W186-6	01109-01110 01549 01549
308.	Delete or revise § 999.308(b)(2)(c) because it provides a roadmap for bad actors to circumvent the measure that businesses must put in place to protect consumers and commit fraud.	Accept in part. To address the potential fraud concerns arising from the level of detail a business should disclose, the provision has been modified to require the privacy policy to describe in general the process the business will use to verify the consumer request, including any information the consumer must provide. A business need not describe the entire process verbatim. A general summary is sufficient.	W42-10 W68-3 W129-2 W129-12 W130-1 W162-19 W186-5 W186-6	00183 00420 01006 01009 01013 01333-01334 01549 01549
309.	Modify § 999.308(b)(2)(c) to require businesses to instead link to the process the business will use to verify the consumer request, which shall include a general description of the information the consumer may be asked provide. The CCPA does not require disclosure of customer verification process in the privacy policy. A link to the process will be less burdensome because verification processes may need to be updated quickly to reflect changing security concerns,	No change has been made in response to this comment. Civil Code § 1798.185(a)(6), (a)(7), and (b)(2) gives the OAG authority to adopt this regulation. As explained in the ISOR and FSOR, the regulation is necessary to pull together in one place the statutory requirements for the privacy policy, which are distributed throughout the CCPA, and other helpful information so that the privacy policy is useful resource for consumers. ISOR, p. 14; FSOR, § 999.308. The regulation provides transparency to the public about the exercise of consumer privacy rights under the CCPA, informing consumers in advance how they may exercise their rights. The comments do not explain why a privacy policy	W162-19	01330-01334

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	whereas privacy policies take longer to update or modify.	cannot be quickly updated and/or cannot be as quickly updated as the webpage located at the link, and the OAG has determined that this would not be so burdensome as to justify further modification. The regulation also does not prohibit a business from providing a link to a more detailed description of the business's verification processes.		
310.	Modify § 999.308(b)(2)(c) to allow a business the option of providing this information as part of the request transaction rather than being set forth in the privacy policy. As a result, this information should be required only upon a consumer's inquiry or on the landing page when a consumer clicks the link to submit a request, or by phone or other method, before the consumer is required to submit any identifying information.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because then the privacy policy would not include a comprehensive picture of a business's privacy practice. The regulation is necessary because it pulls together in one place the statutory requirements for the privacy policy, to make the privacy. The regulation also promotes transparency and informs consumers how they may exercise their CCPA rights, which is balanced against the burden on business to update the privacy policy more frequently than the required 12 months.	W42-10	00183
- § 999.308(b)(3)				
311.	Clarify that if a business does not sell personal information, it need not include an explanation of the right to opt-out within its privacy policy. Disclosure is unnecessary, irrelevant to the business, and may lead consumers to wrongly believe that the business does in fact sell personal information when it does not.	No change has been made in response to this comment. Civil Code § 1798.185(b)(2) provides the OAG with the authority to adopt regulations as necessary to further the purposes of the CCPA. The regulation is in accord with the CCPA's requirement that the privacy policy include a description of consumers' rights, even when a business does not have to comply with the consumer's request. Cf. Civ. Code § 1798.130(a)(5)(A). Section 999.308(c)(3), as amended, is necessary and relevant because it makes the privacy policy a useful resource for consumers and others interested in evaluating the effectiveness of the CCPA. The comments do not provide sufficient support for the assertion that disclosing a consumer's CCPA rights while explaining which rights may not be applicable will confuse consumers.	W42-11 W45-17 W57-13	00183 00203 00305

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312.	Insert new subsection: "(c) Provide an explanation of any commonly recognized privacy right terms you may be using, such as 'Opt-Out', in your privacy policy as a fully equivalent path to 'Do Not Collect My Personal Information."	No change has been made in response to this comment. It is not necessary for the OAG to require a business to define terms used in its privacy policy. Section 999.308(a)(2)(a) already requires the privacy policy to be designed and presented in a way that is easy to read and understandable to consumers, including, among other things, using plain, straightforward language and avoiding technical or legal jargon. The OAG has reasoned that prescribing the manner and format in which businesses provide notices to consumers may not best facilitate the comprehension of these notices and the privacy policy. See ISOR, pp. 42-43. The regulations provide the business with discretion in determining the best way to communicate the required information and provides them with the flexibility to craft the notices and privacy policy in a way that the consumer understands them.	W182-4	01524-01525
- **§ 999.308(b)(4)**				
313.	Insert new subsection: "(b) Explain that the business may offer financial or service incentives to consumers only when justified by the value of the consumer's information and upon notice to the consumer as required under § 999.307, with opportunity to opt-out of the incentive. If the privacy policy is online, provide a link to the notice of financial incentive (if any)." This allows consumers to understand the scope of their right.	No change has been made in response to this comment. In drafting the regulations, the OAG has made efforts to balance the burden to business with providing consumers with meaningful information. The OAG considered and determined that the proposed change is not more effective in carrying out the purpose and intent of the CCPA because financial or service incentives may be tailored to particular audiences or for short promotional time periods (for e.g., for the opening of a new store, or for a particular event). Requiring this language within the privacy policy may require constant updating of the privacy policy in a manner that would outweigh the benefit to the consumer because Civil Code § 1798.125 and § 999.307 already require notice to the consumer when a financial or service incentive is offered.	W178-3	01496-01497
- **§ 999.308(b)(5)**				
314.	Provide further guidance to businesses on how a consumer designates an authorized agent so that businesses can, in turn, provide guidance to	No change has been made in response to this comment. The OAG has revised the provision in response to other comments	W38-7 W57-14 W69-38	00150 00305 00463

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	consumers as required by the regulation. Provide clarity on the level of detail required in explanation regarding designation.	and for other reasons, and thus, this comment is now moot. See response #316 and FSOR, § 999.308(c)(5).	W78-5 W123-13 W196-8 OSac5-5	00554 00958 01629 Sac 24:22-25:6
315.	Authorized agent provisions conflict with the commenter's internal policies and procedures, which do not allow authorized agents.	No change has been made in response to this comment. The CCPA provides consumers with the ability to authorize another person to make requests to businesses on their behalf. See Civ. Code §§ 1798.135(a)(1), (c), 1798.140(y), 1798.185(a)(7).	W108-1	00814-00815
316.	Delete or modify this provision because: (1) the businesses should not have the legal responsibility of telling a consumer how to designate an authorized agent; (2) it is unclear what is being required or why this information is coming from the business; (3) it is a new disclosure obligation beyond those enumerated in the CCPA; and (4) it provides information for fraudsters to infiltrate and harm consumers.	Accept in part. The OAG has revised the provision to require the privacy policy to provide instructions on how an authorized agent can make a request under the CCPA on the consumer's behalf. Even if these disclosures are new, they are required by Civil Code § 1798.185(a)(7) [the OAG to adopt regulations that establish "rules and procedures to further the purposes of Sections 1798.110 and Section 1798.115 and to facilitate a consumer's or the consumer's authorized agent's ability to obtained information pursuant to Section 1798.130," and "to govern a business's determination that a request for information received from a consumer is a verifiable consumer request"]. As to the concerns regarding fraudsters, the regulations regarding verification adequately address protecting consumers from fraud. See §§ 999.323-999.326.	W42-12 W61-19 W68-3 W115-42 W129-13 W130-1 W162-22 W196-8 OSac5-5	00183 00351-00352 00420 00888-00889 01009 01013 01335-01336 01629 Sac 24:22-25:6
317.	Revise provision to 1) state that businesses "may include requiring that the authorized agent provide the same information to the business that the consumer would need to provide if the consumer were making the request on the consumer's own behalf," or 2) require the business to provide a list of authorized agents that the business supports with instructions on how authorized agents may be accessed. This allows consumers understand the full scope of the technical options, such as if DNT or Mobile	No change has been made in response to this comment. In response to other comments, the OAG has revised the provision to require the privacy policy to provide instructions on how an authorized agent can make a request under the CCPA on the consumer's behalf. See response #316; FSOR, § 999.308(c)(5)(a). The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because requiring the business to provide a list of authorized agents that the business supports it is too prescriptive. The regulations are meant to be robust and applicable to many factual situations and across industries. The regulations provide the business with	W63-19 W182-5	00377-0378 01525

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	Operating Systems opt-outs are honored as equivalents to "Do Not Collect My Personal Information."	discretion in determining the best way to communicate the required information and provides them with flexibility to craft the privacy policy in a way that the consumer understands them. Section 999.326 governs what business's may require when a consumer uses an authorized agent to submit a request to know or a request to delete.		
- **§ 999.308(b)(6)**				
318.	Requirements that a business provide a contact in the manner in which the business primarily interacts with the consumer should be changed to the manner in which the business primarily collects personal information. Otherwise, the provision would hinder exercise of consumer rights and impose unreasonable costs on businesses. For example, retailers may primarily collect information online through an account, but because they also have physical retail locations, the regulation would appear to require that they train all store employees.	No change has been made in response to this comment. The regulation does not state that the business has to train all employees but all individuals responsibility for handling consumer inquiries about the business's privacy practice or the business's compliance with the CCPA. This is required by the CCPA. See Civ. Code §§ 1798.130(a)(6), 1798.135(a)(3). The regulations are meant to be robust and applicable to many factual situations and across industries, and the determination of which individuals fall within the requirements of § 999.317(a) is a fact-specific determination. The proposed change is not more effective in carrying out the purpose and intent of the CCPA because the manner in which the business primarily collects personal information likely encompass the different ways in which a consumer interacts with the business. As explained in the ISOR for §§ 999.312(c) and 999.315(b), this language is necessary to prevent businesses from using obscure methods for consumers to submit such requests as a way of discouraging consumers from exercising their rights. ISOR, pp. 15, 24. Similarly, this provision is necessary to prevent businesses from picking obscure methods of contact in order to discourage consumers from asking questions or raising concerns about the businesses' privacy policies and practices.	W133-3	01025-01026
319.	Delete § 999.308(b)(6). Disclosures are already required to be understandable, so it is unreasonably burdensome to expect businesses to devote additional resources to answering	No change has been made in response to this comment. Although a business's privacy policy should be understandable, this does not absolve the business's obligation to handle consumer inquiries and direct consumers how to exercise their	W196-7	01629

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	questions and concerns, and this is not called for by statute.	CCPA rights. Civil Code §§ 1798.130(a)(6) and 1798.135(a)(3) requires businesses to train individuals responsible for handling consumer inquiries about the business's privacy practices or the business's compliance with the CCPA and how to direct consumers to exercise their CCPA rights. It is implicit in this statutory text that businesses should have a contact for consumers. The Attorney General is authorized to adopt rgulations to further the purposes of the CCPA. Civ. Code § 1798.185(b)(2).		
- § 999.308(b)(8)				
320.	The word "in" should be added between "forth" and "section."	Accept.	W101-9	00741
321.	The requirement to include § 999.317(g) metrics in the privacy policy should be deleted because § 999.317(g) exceeds the scope of the Attorney General's authority, the bounds of the CCPA, and is unnecessary and unreasonable.	No change has been made in response to this comment. The OAG has demonstrated that § 999.317(g) is necessary to further purposes of the CCPA. See response #652, 653, 654. Accordingly, the requirement to include § 999.317(g) metrics in the privacy policy is necessary and that the value of public disclosure outweighs any burdens. ISOR, p. 28.	W162-20 W186-30	01330-01334 01556
ARTICLE 3. BUSINESS PRACTICES FOR HANDLING CONSUMER REQUESTS				
Comments generally about handling consumer requests				
322.	Supports the Attorney General's decision not to establish an exception on the basis of trade secrets or other intellectual property rights. No such exception is necessary or appropriate. Overbroad claims of a trade-secrets privilege have been used to undermine consumer's rights in other contexts and such abuses should not stand in the way of consumers exercising their privacy rights.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulation, so no further response is required.	W174-31	01452
323.	Provide guidance and explicitly address whether "federal or state law" includes proprietary intellectual property that falls under federal	No change has been made in response to this comment. Civil Code § 1798.185(a)(3) provides the Attorney General with authority to "[e]stablish[] any exceptions necessary to comply	W63-27 W86-2 W91-7	00383 00608-00609 00658

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	patent, trademark, copyright, and trade secret rights and allow a business to provide publicly-available information to justify its denial of the request. Insert a provision that a business shall not be required to disclose information that would reveal proprietary information, intellectual property, or trade secrets in response to a request to know. The personal information collected about an individual may reveal proprietary business considerations to competitors.	with state or federal law, including, but not limited to, those relating to trade secrets and intellectual property rights[.]" However, the comment does not show that an exception to provisions requiring disclosure of personal information in response to a request to know is necessary to comply with state or federal law. To the extent the comment claims that consumer personal information is itself a protected form of intellectual property, the comment fails to explain how a consumer's personal information collected by the business could be subject to the business's copyright, trademark, or patent rights. It is unclear whether a business could patent, trademark, or copyright a consumer's personal information. Even if a consumer's personal information could constitute protectable intellectual property, the comment does not explain how disclosure of the consumer's personal information to that consumer could conflict with or negatively implicate protections under federal or state copyright, patent, or trademark law. No comment demonstrates how personal information collected by the business is a trade secret pursuant to Civil Code § 3426.1, which requires, among other things, a showing that the information asserted to be a "trade secret" "[d]erives independent economic value … from not being generally known to the public" and "[i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy." The comment does not make either showing with respect to personal information collected by a business. Nor does the comment provide evidence that disclosure of the consumer's personal information to the consumer would result in competitive harm. Thus, any potential competitive harm is speculative, and in any case, the potential for harm is further mitigated because all similarly situated competitors in California will be bound by the same disclosure requirements. No comment explains how complying with consumer requests would cause a business to	W115-48 W115-49	00892 00892

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		reveal non-public business or technical information about how the business uses consumer data at such a level of specificity as to impair any trade secret protection to which it may be entitled. Even so, neither federal nor state law provide absolute protection for trade secrets. *See*, *e.g.*, *Federal Open Market Committee of Federal Reserve System v. Merrill* (1979) 443 U.S. 340, 362; *Davis v. Leal* (E.D. Cal. 1999);43 F. Supp. 2d 1102, 1110; *Raymond Handling Concepts Corp. v. Superior Court* (Cal. Ct. App. 1995) 39 Cal.App.4th 584, 590. Instead, the interests in favor of protecting trade secrets must be weighed against the need for disclosure. *Id*. The comment has not suggested an alternative that would give greater protection to potential trade secrets while still providing consumers with the access to their personal information as provided by the CCPA. The OAG has determined that a blanket exemption from disclosure for any information a business deems could be a trade secret or another form of intellectual property would be overbroad and defeat the Legislature's purpose of providing consumers with the right to know information businesses collect from them.		
324.	Add a temporary provision, until the AG completes its July 2020 rulemaking, that makes clear that data created about consumers by a business which has a proprietary interest in such data need not be provided to consumers in response to requests to know specific pieces of information.	No change has been made in response to this comment. The comment requests the Attorney General to do something in contradiction of the Administrative Procedures Act.	W86-2	00608-00609
325.	The regulations should seek to provide businesses with flexible options for complying with requests in a way that satisfies both the consumers' interest in protecting their personal information and the businesses' legitimate business interests.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text.	W186-4	01547

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326.	Businesses should be required to accept requests to delete, know, or opt-out via email and not require the consumer to go through other means in order to process the request.	No change has been made in response to this comment. In drafting the regulations, the OAG considered and balanced the ease of submitting requests for consumers and the burden on businesses of receiving and responding to requests. The regulations provide businesses flexibility to determine the methods for submitting requests, but require businesses to offer at least two methods of submitting such requests, including one that reflects the way the business primarily interacts with the consumer, and require the methods to have minimal steps and be easy for consumers to execute. A designated email address is one of the acceptable methods. In addition, § 999.315(a) & (d) are intended to foster privacy innovation by requiring businesses to accept an opt-out request from a user-enabled privacy control or mechanism that meets certain criteria.	W200-5	01650
§ 999.312. Methods for Submitting Requests to Know and Requests to Delete				
- § 999.312 generally				
327.	Combine 999.312(a) and (b) to harmonize requirements for submitting requests to know and delete, which involve at a minimum, requiring a business to provide one method by electronic means, and one method involving requests by phone or in hard copy .	No change has been made in response to this comment. The comment's proposed language is inconsistent with the language, structure, and intent of the CCPA. The CCPA has specific requirements for what methods a business must offer to consumers to submit requests to know and delete, which the comment's language does not follow. See Civ. Code § 1798.130.	W41-2 OLA 13-2	00176-00177 LA 46:11-47:12
328.	Observes that consumers are unlikely to use forms or calls, and will instead use online requests, and consumers will perceive steps as inhibiting CCPA rights. Regulations should simplify the process.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. The CCPA applies to both online and offline or brick-and-mortar businesses, and the regulations are meant to be robust and applicable to many factual situations and across industries.	W90-3 OSF21-3	00649 SF 74:9-74:24
329.	Remove toll-free number option for submitting requests in § 999.312(a) and (b). Commenters claim the toll-free number requirement is burdensome on businesses due to cost and can	No change has been made in response to this comment. The comment's proposed language is inconsistent with the language, structure, and intent of the CCPA. Civ. Code § 1798.130(a)(1)(A) expressly requires certain businesses to offer a toll-free number	W115-36 W125-8 W155-2 OSF13-2	00887 00970 01211 SF 52:16-53:15

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	lead to inaccuracies or loss of information. One comment also suggested modifying to state business may designate two methods that are not toll-free numbers, unless that business already maintains a call center for other purposes.	for consumers to submit requests. The OAG cannot implement regulations that alter or amend a statute.		
330.	Clarify what methods for submitting requests to know must be made available by businesses that operate online or via mobile apps.	No change has been made in response to this comment. The comment raises specific legal questions that may require a fact-specific determination, which may include whether the business is exclusively operating online. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W154-2	01203
331.	Remove mail option for submitting requests in § 999.312(a) and (b) because mail can be intercepted or lost.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The regulations preserve flexibility for businesses to offer requests via mail, and this mode of submitting requests is not mandatory.	W160-5	01293
332.	Require businesses to offer two methods for submitting requests, the first being its primary channel for interacting with consumers, and the second either a phone or electronic submission.	No change has been made in response to this comment. The comment's proposed language is inconsistent with the language, structure, and intent of the CCPA. Civ. Code § 1798.130 has specific requirements for what methods a business must offer to consumers to submit requests to know and delete, which the comment's language does not follow.	W169-14	01411
333.	Do not require businesses to offer two or more methods for submitting requests because it is overly prescriptive and does not benefit consumers. It increases the risk of fraudulent data requests.	No change has been made in response to this comment. The comment's proposed language is inconsistent with the language, structure, and intent of the CCPA. Civ. Code § 1798.130(a)(1) requires businesses to make available two or more methods for submitting requests to know and delete. Pursuant to Civil Code § 1798.185(a)(4), the Attorney General has authority to establish rules and procedures for the submission of requests to opt-out. The Attorney General explains why § 999.315(a) requires two or more methods in the ISOR. ISOR, pp. 23-24. The comment	W170-4	01419-01420

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		provides no evidence or support for why requiring two or more methods would increase the risk of fraudulent requests. The benefit to consumers from having different ways in which to submit their requests and the protection from the verification standards set forth in Article 4 outweighs the potential harm from fraudulent requests.		
334.	Split up § 999.312's provisions on requests to know and delete into separate sections because it is confusing.	No change has been made in response to this comment. The comment does not provide any evidence or support for why the OAG should make any modification to the text. The regulation is reasonably clear and separating the sections is unnecessarily duplicative.	W189-7	01583-01584
335.	Exempt HIPAA-covered entities from § 999.312, particularly submitting requests to know or delete in person, because generally all of the data created and collected in person by such entities is PHI and out of the scope of the CCPA. In the alternative, include language that states consumers may exercise their right to request to delete if their personal information is not linked to their PHI.	No change has been made in response to this comment. Civil Code § 1798.145(c)(1)(A)-(B) provides exemptions for personal health information and covered healthcare providers, and thus, the proposed exemption and alternative language is not be necessary. Whether a healthcare provider falls within this exemption is a fact-specific inquiry. But if the healthcare provider falls within the exemption, as the comment presupposes, the CCPA would not apply to them; thus, it is not necessary to modify the regulation. In addition, modifying the regulation to account for the situation identified would add complexity to the rules without providing identifiable benefits.	W189-7	01583-01584
- § 999.312(a)				
336.	Update § 999.312(a) to reflect AB 25's amendment to Civil Code § 1798.130(a)(1)(A) that businesses that operate exclusively online need not offer a toll-free phone number.	Accept. Modifications have been made to reflect AB 25's amendment to Civ. Code § 1798.130(a)(1)(A). See § 999.312(a).	W5-1 W34-2 W69-31 W88-20 W112-3 W123-13 W124-8 W125-4 W125-5 W140-2	00011 00124 00459 00630-00631 00831 00958 00964 00969-00970 00969-00970 01078

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			W148-6 W150-5 W161-7 W162-23 W177-11 W190-18 W202-3 W206-11 OSF13-1 OSF13-2	01148-01149 01173 01301-01302 01336 01485-01486 01594 01658 01696 SF 52:16-53:15 SF 53:16-56:10
337.	Businesses should be able to provide a general toll-free number (as opposed to a separate CCPA-specific toll-free number) to receive consumer requests.	No change has been made in response to this comment. Civ. Code § 1798.130 requires certain businesses to offer consumers "a toll-free telephone number" to submit requests, but it does not require that the number be solely used to receive consumer requests. It is not necessary for the OAG to include this clarification in the regulation. A business already has discretion to provide a general toll-free number to receive consumer requests.	W55-10 W60-19	00281-00282 00330
338.	A business should have more discretion to determine what methods it uses to receive consumer requests. Comments claim that requiring a toll-free number or webform could lead to consumer confusion where the federal Fair Debt Collection Practices Act requires verification in writing or disadvantage businesses that have a physical presence in California. One comment proposes that businesses be permitted to choose two methods for transmitting requests to know and delete which reflect their existing modes of interacting with consumers.	No change has been made in response to this comment. The comment's proposed changes are inconsistent with the language, structure, and intent of the CCPA. Civil Code § 1798.130 requires certain businesses to offer consumers "a toll-free telephone number" to submit requests and provides the exception of only providing an email address where businesses that operate exclusively online. With regard to those issues, the comments object to the CCPA, not the regulation. The regulations provide the business with discretion to consider the methods by which it primarily interacts with consumers. See § 999.312(c). As explained in the ISOR, this was to ensure that businesses do not pick obscure methods for submitting requests as a way of discouraging consumers from exercising their rights. ISOR, p. 15.	W31-4 W45-19	00112 00203-00204

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339.	Remove or modify § 999.312(a)'s requirement for a business operating a website to offer an interactive webform accessible through the business's website or mobile application. Comments claim webform requirement is burdensome on businesses (due to expense, training, and time to set up), especially for small businesses; does not further CCPA's purpose or assist consumers; is not secure; and is overly prescriptive, and that the Legislature did not intend to impose this burden and allowed for the use of email addresses. Some comments request more clarity on the requirement and to remove "interactive" before webform or use an alternative method, such as a request through the user account.	Accept in part. This portion of the regulation has been deleted. The OAG does not agree with all the reasons provided in the comments, but has made this deletion to address business practicalities and other concerns. See FSOR, § 999.312(a). Given the deletion, these comments are now moot.	W11-1 W42-16 W45-18 W60-32 W122-5 W125-10 W125-11 W125-12 W167-8 W169-15	00026 00184 00203 00340 00950 00971 00971 00971 01393-01394 01411
340.	Modify § 999.312(a)'s requirement for businesses operating a website to offer an interactive webform accessible through the business's website or mobile application.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #336.	W11-1 W42-16 W45-18 W60-32 W122-5 W169-15	00026 00184 00203 00340 00950 01411
341.	Provide that a business does not violate the CCPA or the regulations if there is a temporary interruption in processing online requests.	No change has been made in response to this comment. The regulations provide timelines to respond to consumer requests without a requirement of immediacy. A clarification regarding temporal interruptions is not necessary.	W133-6	01027-01028
- **§ 999.312(c)**				
342.	Do not require businesses that primarily interact with consumers in person to offer an in-person method, which seems to require paper forms for requests. Comments claim this would exceed the scope of the CCPA, mandate a decentralized	Accept in part. The regulation has been modified to state that if the business interacts with consumers in person, the business shall consider providing an in-person method such as a printed form, among other options. This approach provides businesses flexibility to adopt methods that are compatible with their	W43-6 W53-12 W60-16 W69-31 W83-6	00190 00247-00248 00328 00458-00459 00586

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	process, impose burdens on businesses to create and process forms and train staff, not be secure for consumers, and not benefit consumers. Comments propose various alternatives, including directing consumers to existing methods for submitting requests.	business practices while also considering the accessibility of these methods to the consumer. Civil Code § 1798.185(a)(7) provides the Attorney General with authority to establish rules and procedures to facilitate a consumer's ability to make requests to know and delete. In drafting these regulations, the OAG has made every effort to limit the burden of the regulations while still implementing the CCPA. Requiring that the business consider how it interacts with consumers while not prescribing the specific method in which the business receives requests (aside from those explicitly prescribed by the CCPA) balances the interests of both businesses and consumers. As to the comments concern about the expense of training staff, the CCPA requires businesses to train all individuals responsible for handling consumer inquiries about the business's privacy practice or the business's compliance with the CCPA. See Civ. Code §§ 1798.130(a)(6), 1798.135(a)(3).	W103-7 W123-13 W126-9 W126-10 W133-1 W155-2 W179-9 W206-9 OLA11-4	00779 00958 00977-00978 00977 01025-01026 01210-01211 01505 01695-01696 LA 39:25-40:6
343.	Clarify what "primarily interacts with" consumer means.	No change has been made in response to this comment. The regulation is reasonably clear.	W60-16 W103-8 W126-8 W202-5	00328 00779 00977 01659
344.	Businesses should not be required to provide 3 methods for submitting requests to know. Comments claim that it is contrary to the CCPA, burdensome to businesses, and potentially confusing.	Accept in part. The regulation has been modified to remove requirement that businesses provide 3 methods. See § 999.312(c). The OAG does not agree with all the reasons provided in the comments, but has made the deletion to address business practicalities and other concerns. See FSOR, § 999.312(c).	W38-9 W69-31 W78-7 W103-7 W123-13 W162-24 W177-12 W190-19 W202-5	00151 00458-00459 00555 00779 00958 01336 01486-01487 01594 01658-01659
345.	Section 999.312(c)'s examples are confusing. For instance, example 1 does not mention the toll-free number and also does not specify whether a request method that is "through the business's	No change has been made in response to this comment, which is interpreted to be observations rather than a specific recommendation to change these regulations. To the extent the comments suggest clarification or removal of the examples, the	W125-6 W125-7 W177-12 OSF13-2	00969 00969-00970 01486-01487 SF 53:16-56:10

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	retail website" can include an email address provided on the website. Example 2 seems to imply that online retailers that do not have a retail location do not need a toll-free number. Comments suggest other potential revisions to examples.	two examples referenced by the comment have been deleted, and thus the comments are now moot.		
346.	Provide more than two examples in § 999.312(c). One comment suggests that the OAG provide examples addressing businesses which operate as mobile applications.	No change has been made in response to this comment. The regulation is meant to apply to a wide range of factual situations and across industries. The OAG does not believe it will add additional clarity to provide additional examples and it may be too limiting. The OAG has modified 999.312(c) to list options for businesses to offer in-person methods for submitting requests.	W125-9 W182-6	00970 01525
347.	Expresses support for § 999.312(c)'s requirement that at least one method reflect manner in which business primarily interacts with consumer, even if requires having three methods.	The OAG appreciates this comment of support. No change has been made in response to this comment. However, the OAG has modified the provision in response to other comments. See responses #342, 344.	W174-19 W174-20	01449 01449
- **§ 999.312(d)**				
348.	Revise so business "may" use the two-step process to request to delete instead of "shall".	Accept. The regulation has been modified such that the two-step process is now discretionary instead of mandatory. See § 999.312(d).	W69-33 W123-13 W177-13	00460 00958 01487
349.	Remove, or alternatively, modify the two-step online process for requests to delete. Comments claim that the two-step process is unnecessary, is burdensome on businesses (programming difficulties, expensive, can't utilize existing processes, complicated with agents), does not provide enough flexibility for businesses, exceeds the scope of the CCPA, lacks enough guidance for businesses to implement, burdens parents in a manner that would conflict with COPPA, may confuse consumers, conflicts with privacy	Accept in part. The regulation has been modified such that the two-step process is discretionary instead of mandatory. See § 999.312(d). The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. The OAG kept the regulation for reasons stated in the ISOR, as the two-step process is meant to protect the consumer from inadvertent deletion of personal information. See ISOR, p. 16. The OAG does not agree with all the reasons provided in the comments, but has made the modification to address business practicalities and other concerns. See FSOR, § 999.312(d).	W7-1 W42-17 W54-15 W87-6 W95-1 W95-4 W103-11 W115-50 W136-7 W145-7 W148-7	00013 00184 00267-00268 00619 00681 00682 00779 00893 01052 01110 01149-01150

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	requirements in other jurisdictions, and is bad for consumers because it allows businesses to draft warnings to deter consumers from deleting information. Some comments proposed that a one-step process be followed in only some, but not all, instances.		W150-5 W155-7 W156-1 W186-9 W190-20 W202-4	01173-01174 01213 01227-01228 01549-01550 01594 01658
350.	The regulation should clarify a business's obligation to follow up when a consumer makes a request to delete. Regulation should state a business need only follow up with the consumer one time, and if the consumer fails to respond within 45 days, the business may deny the request.	No change has been made in response to this comment. In response to other comments, the regulation has been modified such that the two-step process is discretionary instead of mandatory. See responses #348, 349. Modifying the regulation as proposed would add complexity to the rules without providing identifiable benefits.	W38-8 W78-6	00150-00151 00554-00555
351.	Provide examples of how businesses can comply with two-step requests to delete.	No change has been made in response to this comment. A two-step confirmation process is a commonly used convention by websites and mobile applications before a user makes an irrevocable decision. The regulation is meant to apply to a wide range of factual situations and across industries. The OAG does not believe it is necessary to provide examples, and it may be too limiting.	W54-15	00267-00268
352.	State that the 45-day period tolls while waiting for a consumer to respond during the two-step request process because businesses should not be penalized for the consumer's delayed response.	No change has been made in response to this comment. In response to other comments, the regulation has been modified such that the two-step process is discretionary instead of mandatory. See responses #348, 349. Modifying the regulation as proposed would add complexity to the rules without providing identifiable benefits.	W60-23	00333
353.	Consumers should be able to request to delete some, but not all, of their data, and to do so without going through two-step process in § 999.312(d).	No change has been made in response to this comment. In response to other comments, the regulation has been modified such that the two-step process is discretionary instead of mandatory. See responses #348, 349. Consumers are already able to request to delete some, but not all, of their data. See § 999.313(d)(7).	W95-1 W95-4 OSac4-3	00681 00682 Sac 41:10-42:12

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354.	Expresses support for § 999.312(d)'s two-step deletion.	The OAG appreciates this comment of support. No change has been made in response to this comment. However, the OAG has modified the provision in response to other comments. See responses #348, 349.	W174-21	01449
- § 999.312(e)				
355.	Remove beginning of § 999.312(e), which states "[i]f a business does not interact directly with consumers in its ordinary course of business," and instead mandate that at least one method for consumers to submit requests shall be online.	No change has been made in response to this comment. The OAG has deleted the provision, and thus, this comment is now moot. See FSOR, § 99.312(e).	W74-27	00534
356.	Revise § 999.312(e) to apply only where a business does not interact directly with consumers "in the physical world" in its ordinary course of business.	No change has been made in response to this comment. The OAG has deleted the provision, and thus, this comment is now moot. See FSOR, § 999.312(e).	W182-6	01525
- § 999.312(f)				
357.	Businesses should not be required to respond to requests submitted via a non-designated method, or alternatively, be given more time to respond, because it is not required by CCPA, exceeds the authority of OAG, makes it difficult to meet the required time frames for confirming and replying to the requests, may increase the risk of improper disclosure of information in response to fraudulent requests, and is burdensome for businesses to monitor, process, and train employees to support this function.	No change has been made to the regulations in response to this comment. Civ. Code § 1798.185(a)(4) and (a)(7) provide the Attorney General with broad discretion to establish rules that facilitate CCPA requests. The regulation is meant to provide flexibility to support consumer choice and is not unduly burdensome because it does not require businesses to treat the request as it had been submitted, but gives them the option to direct consumers to their designated methods for submitting requests. Businesses would not be disadvantaged by the mandatory time periods for response because a new time period for compliance would start when the request is submitted via the business's designated methods. The comment does not support or adequately explain why giving businesses discretion to respond to requests submitted via a non-designated method would increase the risk of fraudulent requests. As to the concern about the expense of training staff, the CCPA requires businesses	W26-6 W53-20 W57-15 W61-20 W69-10 W69-32 W88-21 W101-10 W103-10 W123-13 W126-11 W145-8 W155-3 W162-25 W177-14 W190-21	00075 00254-00255 00305 00352 00459 00459 00631 00741 00779 00958 00977-00978 01110-01111 01211-01212 01337 01487 01594-01595

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		to train all individuals responsible for handling consumer inquiries about the business's privacy practice or the business's compliance with the CCPA. See Civ. Code §§ 1798.130(a)(6), 1798.135(a)(3).	W206-10	01696
358.	If consumers fail to submit requests using a business's designated methods, the regulation should not require businesses to inform consumers how to remedy their requests. Comments claim this exceeds the authority of OAG and would be burdensome for businesses to determine whether and how to provide additional guidance to the consumer.	No change has been made in response to this comment. Civil Code § 1798.185(a)(7) provides the Attorney General with broad discretion to establish rules and procedures to facilitate a consumer's ability to submit CCPA requests. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The OAG kept the regulation for reasons stated in the ISOR, as this subdivision is necessary to prevent a business from using technical or correctable deficiencies as an excuse to deny a request. It also gives the consumer an opportunity to remedy any incorrect request and provides transparency to the process. See ISOR, p. 16.	W196-6 W197-5 OSac5-4	01628 01634 Sac 24:8-24:21
359.	Businesses should not be required to respond to requests submitted via a non-designated method because it would make the use of automated responses difficult and confusing.	No change has been made to the regulations in response to this comment. The regulation is meant to provide flexibility to support consumer choice and is not unduly burdensome because it allows businesses to direct consumers to their designated methods. The comment does not demonstrate the burden of the regulation upon the use of automated response processes. A business may develop its own standard response in an email, audio recording, or letter to CCPA requests and send them to consumers who have made a request via a non-designated method.	W162-26	01338-01339
360.	Consumers may sometimes submit a request that is incomprehensible or indirectly received by a business, making it difficult for a business to reply. The regulation should be changed to require a response to a CCPA request using a non-designated method only when it is feasible and the request is comprehensible and directly received. Also, the regulation should require a	No change has been made to the regulations in response to this comment. The proposed changes are not more effective in carrying out the purposes and intent of of the CCPA because modifying the regulation to account for situations where the request is incomprehensible or infeasible to respond would add complexity to the rules without providing identifiable benefits. The regulation gives the business flexibility either to respond to the request or direct consumers to use its designated methods,	W140-7 W177-14	01080 01487

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	business to provide instruction on how to provide requests in a secure fashion.	including the discretion to direct consumers to its designated methods if the consumer's original submission is insecure.		
361.	Consumers, or authorized agents, should be allowed to submit requests in a manner of their choosing, even if not in the designated methods of submission of a business. This would ensure a request is submitted in a manner best suited to the consumer's needs.	No change has been made to the regulations in response to this comment. The proposal is inconsistent with the language, structure, and intent of the CCPA, which prescribes the number of methods for submitting requests. In drafting the regulations, the OAG has weighed the burden to the business with the consumer's statutory right to make a request. The comment does not sufficiently support the necessity for allowing a consumer to use any means to make a request nor does it account for the potential burden on business that it would cause.	W193-2 W193-3 W200-4	01620 01620 01650
362.	Expresses support for § 999.312(f).	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W174-22	01449-01450
§ 999.313. Responding to Requests to Know and Requests to Delete				
- § 999.313 generally				
363.	Federal law, such as the Federal Credit Union Act, the Bank Secrecy Act, and the Equal Credit Opportunity Act, appears to be inconsistent with a consumer's ability to request to delete. These laws require financial institutions to keep personal information for a designated period of time and/or prohibits the disclosure of personal information outside of law enforcement and regulatory agencies.	No change has been made in response to this comment. Civil Code § 1798.105(d) already provides a number of exceptions to requests to delete, which include complying with a legal obligation. See Civ. Code § 1798.105(d)(8). Civil Code § 1798.145(a) also states that the obligations imposed by the CCPA shall not restrict the business's ability to comply with federal, state, or local laws, among other things. Furthermore, Civil Code § 1798.196 states that CCPA is intended to supplement federal and state law, if permissible, but shall not apply if such application is preempted by, or in conflict with, federal law of the United States or California Constitution. In response to other comments, §§ 999.313(c)(5) and 313(d)(6)(a) have been modified to provide that businesses do not need to explain the basis for a denial to request to know or delete if it is prohibited from doing so by law.	W31-1	00110

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364.	Supports the proposed regulations including various provisions of §§ 999.313(c) and 999.313(d). Comments note, among other things, that these provisions maintain the individual rights granted to consumers in the CCPA; § 999.313(c)(4) is protective of highly sensitive personal information, § 999.313(c)(6)'s reasonable security requirement provides certainty and security to both the consumer and the business; § 999.313(c)(7) will incentivize businesses to have one set of practices for all consumers, which can be more easily monitored and will be privacy-protective for consumers; § 999.313(d)(6) promotes transparency; and § 999.313(d)(2) and (d)(7) are sensible and appropriate restraints upon companies that might otherwise seek to steer consumers to the partial option through eye-catching (but deceptive) user experience design choices known as "dark patterns."	The OAG appreciates this comment of support. No change has been made in response this comment. The comment concurred with the proposed regulations, so no further response is required.	W38-12 W38-14 W38-19 W60-35 W60-36 W63-3 W63-4 W69-13 W73-2 W74-41 W74-42 W74-45 W80-3 W91-8 W98-1 W120-14 W121-3 W121-4 W121-5 W123-13 W161-13 W174-23 W174-27 W174-28 W174-29 W174-32 W174-35 W174-36 W190-22 W204-1	00153 00153 00155 00341-00342 00342 00366 00366 00448 00515 00536 00536 00536 00567-00568 00658 00720 00933 00939 00939 00939 00958 01305 01450 01451 01451 01451-01452 01452 01453 01453-01454 01595 01673-01674
365.	Provide guidance on how a company should treat personal information that a consumer submits as part of a consumer request.	No change has been made in response to this comment. The regulations, as amended, provide the necessary guidance. Section 999.313(d)(5) states what records and information a	W2-1	00002

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		business may maintain with respect to a request to delete and § 999.317(b)-(f) govern what records and information a business may maintain with respect to consumer requests made pursuant to the CCPA.		
366.	Exempt data, including personal information, that is submitted as part of a consumer's request to delete from being part of the consumer's request to delete.	No change has been made in response to this comment. Section 999.313(d)(5) states what records and information a business may maintain with respect to a request to delete and § 999.317(b)-(f) govern what records and information a business may maintain with respect to consumer requests made pursuant to the CCPA. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it is too broad and contravenes the consumer's request to delete personal information.	W2-1	00002
367.	Provide allowances and/or exemptions for businesses that conduct commercially reasonable, good-faith searches of their records because of burden (esp. for non-digital records). Comments suggest several alternatives including: (1) limiting personal information search to those that can be reasonably identified using reasonable means; (2) limiting personal information search to what was collected in a readable format; and (3) requiring businesses responding to a request to consider the expense of compliance.	Accept in part. Section 999.313(c)(3) has been inserted to balance the goals and purposes of the CCPA with the burden to businesses searching for personal information. See FSOR, § 999.313(c)(3). The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. The comment's proposed change to limit businesses' search obligations in order to respond to requests to know and/or delete is not as effective in carrying out the purpose and intent of the CCPA because it would allow businesses to maintain, use, or share data that they do not disclose to consumers in response to a request to know and/or delete, which is contrary to the purpose and intent of the CCPA. In addition, the comment's proposed change does not fall within any enumerated exception provided for by the CCPA. The CCPA expressly does not require a business to "reidentify or otherwise link information that is not maintained in a manner that would be considered personal information." Civ. Code § 1798.145(k).	W2-2 W32-1 W69-11 W69-12 W120-13 W123-13	00002 00115 00446-00447, 00484, 00485 00447-00448, 00484, 00485 00933 00958
368.	The regulations should narrow the circumstances under which businesses may deny requests to delete under Civil Code § 1798.105(d) because:	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulations.	W3-3 W149-5	00007 01168

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	(1) they are at risk of being abused, especially Civil Code §§ 1798.105(d)(1) and (d)(9); (2) the CCPA allows a business to deny a deletion request in too wide of a spectrum of reasons ("security," "debugging," or to provide a good or service "reasonably anticipated with the context of a business's ongoing business relationship with the consumer"); and (3) the exception concerning a "business's ongoing business relationship with the consumer" is problematic, runs counter to logic, and may undermine the intention of the CCPA.			
369.	Establish a safe harbor for business compliance with the reasonable security requirement. Comments propose a safe harbor if the business: (1) complies with a request in good faith in accordance with a documented verification method; (2) has conducted a commercially reasonable, good-faith search; (3) uses notices substantially similar to the model; (4) rejects a suspicious request in good faith; (5) complies with § 999.313(c)(6); (6) completes a recognized certification program as a means for showing they have reasonable and appropriate security policies and procedures in place; (7) uses standardized commercial encryption techniques to protect consumers' personal information while the information is stored and for transmission to the consumer in response to a verified request; or (8) is acting at the direction of the consumer to respond via mail and the personal information is subsequently acquired or disclosed unlawfully.	No change has been made in response to this comment. Compliance with the CCPA and the regulations is a fact-specific determination. The comment does not fall within any enumerated exception provided for by the CCPA. In an effort to prioritize drafting regulations that operationalize and assist in the immediate implementation of the law, the OAG has not addressed whether a safe harbor for businesses meeting the reasonable security requirement is necessary at this time.	W34-4 W57-17 W68-2 W69-11 W69-12 W115-45 W136-4 W142-7 W190-23	00124-00125 00307 00419-00420 00447 00447-00448, 00485 00890-00891 01052 01090-01091 01596

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370.	The Attorney General should provide: (1) guidance on how specific the description of the basis for the denial should be; (2) a sample of a denial notice to illustrate the meaning of "explain"; and/or (3) model responses to "Requests to Know" and "Requests to Delete." Model notices are provided by federal regulators and ensure consumers receive clear and consistent notices.	No change has been made in response to this comment. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine how to provide additional models, sample language, and/or templates.	W45-23 W136-4 W141-7	00205 01052 01083
371.	Provide exception to fulfilling consumer requests when the requests are unreasonably burdensome or are overly broad.	No change has been made in response to this comment. The comment does not fall within any enumerated exception provided for by the CCPA. Civil Code § 1798.145(i)(3) already provides for some exceptions to responding to manifestly unfounded or excessive requests. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA and does not think any additional regulations regarding this issue is necessary.	W188-4	01572
372.	Can a consumer only submit two requests per year to the same company or only exercise a right twice per year with the same company? For example, if a consumer asks a company what data of theirs they have and then submits a second request to the company to opt out of sale, would the company be required to respond to a third request by the consumer to delete all of their data during that same year?	No change has been made in response to this comment. The CCPA does not provide for any limitation on requests to delete or requests to opt-out; however, it does limit the number of requests to know to two within a 12-month period. Civ. Code §§ 1798.100(d), 1798.130(b). Civil Code § 1798.145(i)(3) also provides businesses with exceptions to responding to manifestly unfounded or excessive requests. To the extent the comment raises specific legal questions and seeks legal advice regarding the CCPA, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulations provide general guidance for CCPA compliance.	W203-1	01668
- **§ 999.313(a)**				
373.	10-day time period should be clarified to be business days.	Accept. The regulation has been modified to state 10 business days.	W24-4 W41-3	00065 00177

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			W78-9 W147-6 W148-8 W150-6 W155-4 W190-22 OLA13-3 OLA28-1	00556 01126-01127 01150 01174 01212 01595 LA 47:13-47:25 LA 86:17-87:5
374.	A business should be allowed to provide the 10-day confirmation in the same method in which the request was submitted.	Accept. The proposed regulation has been modified to clarify that confirmation may be given in the same manner in which the request was received.	W69-10 W123-13	00446 00958
375.	A business should not be required to disclose a description of its verification process. Bad actors can use such a description to learn about the business's security and fraud detection systems. Modify to require only a description at a high level of generality.	Accept in part. Section 999.313(a) has been modified to only require a business to disclose a general description of the business's verification process. A general description of the verification process would not raise any security or fraud concerns while still informing consumers' expectations regarding the response process.	W18-3 W61-15 W65-4 W145-6 W186-7 W196-9 OSac5-6	00039 00349 00402 01109-01110 01549 01629 Sac 38:8-38:21
376.	Requiring the confirmation and description of the verification process imposes unnecessary costs and burdens on businesses and does not provide a substantive benefit to consumers.	No change has been made in response to this comment. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. Confirming receipt of a request within 10 business days and providing general information regarding the response process is necessary to help consumers understand the process and know when they should expect a complete response. It also benefits businesses by helping manage consumer expectations. The 10-day response is not unreasonable or unnecessarily costly given that it does not require any individualized information. Responses can be prepared in advance and automated. See ISOR, p. 16.	W13-2 W31-5 W38-10 W42-18 W78-9 W103-9 W115-52 W115-53 W129-15 W130-1 W136-8 W147-6 W148-8 W155-4 W162-27	00029 00112 00151 00184 00556 00779 00893 00893 01009 01013 01052-01053 01126-01127 01150 01207, 01212 01338-01339

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			W179-2	01505
377.	Requirement to confirm receipt of the consumer's request within 10 business days is not required by the CCPA and is unnecessarily complicated.	No change has been made in response to this comment. Civ. Code § 1798.185(a)(7) provides the Attorney General with authority to establish rules and procedures to further the purposes of Section 1798.110. The 10-day response is not unreasonable or unnecessarily costly given that it does not require any individualized information. Responses can be prepared in advance and automated. See ISOR, p. 16.	W103-9 W122-8 W136-8 W155-4	00779 00951 01052-01053 01212
378.	10 days is not enough time for a business to confirm receipt and provide information about how the business will process the request. Comment claims that a business may need up to 30 days to fully vet a request, verify the identity of the requestor, ascertain whether it must avail itself of a permitted exception, etc.	No change has been made in response to this comment. Commenter misinterprets the regulation. A business does not need to "fully vet a request, verify the identity of the request, etc." in order to confirm that the business received the request. The regulation simply requires the business to acknowledge receipt of the request and provide the consumer general information about what the business will do next.	W161-8	01302
379.	A business should be able to provide the full response to the consumer's request within 10 days, and if it can do so, no confirmatory response under subdivision (a) should be required.	No change was made in response to this comment. The proposed regulation does not mandate separate notices and specifies that a business does not have to confirm receipt of the request if the business has already granted or denied the request. The OAG does not believe it is necessary to include additional language.	W137-5	01057
380.	The SRIA does not account for the additional costs required to comply with the requirement to confirm receipt of a consumer's request within 10 days in § 999.313. Financial institutions will either have to hire additional personnel to comply with these regulations, which can increase prices on services and/or reduce earnings on deposit (share) products.	No change has been made in response to this comment. This comment is an observation about the SRIA rather than a specific recommendation to change the text of any regulation. Information specific to the financial sector's CCPA compliance costs was not available to make this calculation. The current estimates cover the enterprise sector across the state in its entirety. Generally, the SRIA assessment standard applies to the overall, macroeconomic impacts of a given regulation. It also assumes that representative compliant enterprises pass costs along their supply chains, and the published estimates take account of these indirect effects. It does not account for individual sectoral costs.	W31-5	00112

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- **§ 999.313(b)**				
381.	Regulations should clarify whether the 45-day time period is business days or calendar days. Meeting the 45-day requirement will be difficult for financial institutions when dealing with non-accountholders. Personal information may be stored in a variety of places.	Accept in part. The proposed regulation has been modified to reflect calendar days. The OAG rejected comment seeking 45 business days because the proposed change is not more effective in carrying out the purpose and intent of the CCPA. Businesses have the ability to extend the time to respond to the request for another 45 days.	W24-3 OLA10-5	00065 LA 35:20-36:4
382.	General comment that mandatory timeframes for responding to requests are too burdensome for small businesses.	No change has been made in response to this comment. Replying within 45 days is required by the CCPA. See Civil Code § 1798.130(a)(2).	W13-2	00029
383.	Shorten 45-day time period. Comments suggest (1) a 30-day period, (2) a several-day period, or (3) nearly immediately.	No change was made in response to this comment. The CCPA sets forth the time by which businesses must respond to requests to know and requests to delete. See Civ. Code §§ 1798.130(a)(2), 1798.145(i). The comment provides no justification or evidence to support a shorter timeframe than what is required by law.	W143-4 W193-4	01099 01619
384.	The 45-day time period to respond to consumer requests should begin to run once the request has been verified. Starting the 45-day period once the business receives the request would incentivize businesses to rush through the verification process, which would be bad for consumers.	No change was made in response to this comment. Civil Code § 1798.130(a)(2) explicitly states that the time to verify a consumer's request to know shall not extend the business's duty to respond within 45 days of receipt of the request. Where the business needs additional time to respond to a request, § 999.313(b) allows the business to extend the time period by another 45 days. Section 999.313(b) has also been amended to clarify that when a business cannot verify the consumer within the 45-day time period, the business may deny the request.	W53-19 W54-12 W55-9 W69-10 W98-2 W101-11 W104-3 W112-5 W123-13 W126-16 W126-17 W147-7 W148-9 W160-14 W169-16 W161-9 W188-3	00253-00254 00266 00281 00459 00720 00741 00788 00832 00958 00978 00978 01127 01150 01294 01412 01302 01572

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			W190-22 W197-6 OSac3-1	01595 01634 Sac 13:8-14:13
385.	Increase the time the business has to respond and the length of the extension. Comments propose (1) 90-day extension, for maximum total of 135 days from the date the request is submitted and/or verified; and (2) 90 days to respond after verifying consumer plus 90 day extension. The regulation is not consistent with the CCPA which allows a 45-day extension when reasonably necessary and an additional 90 day extension when necessary.	No change was made in response to this comment. Civil Code § 1798.130(a)(2) requires businesses to reply within 45 days. Where the business needs additional time to respond to a request, § 999.313(b) allows the business to extend the time period by another 45 days. The OAG disagrees with the comment's interpretation of the CCPA. As explained in the ISOR, §999.313(b) clarifies a discrepancy in the CCPA between Civil Code §§ 1798.130(a)(2) and 1798.145(i)(1) regarding the timing to respond to requests. The regulation is consistent with the language, structure, intent of the CCPA to ensure that businesses expediently respond to consumer requests. ISOR, p. 17.	W53-19 W112-4 W124-9 W136-9	00253-00254 00831-00832 00964 01053
386.	The proposed 45-day timeline to comply with a request to delete is beyond what is provided for in the CCPA. If businesses must comply with a 45-day response time, businesses should only have to delete the last 12 months of personal information.	No change has been made in response to this comment. The CCPA sets forth the time in which a business must respond to requests. Civ. Code, §§ 1798.130(a)(2), 1798.145(i). Civil Code §1798.185(b)(2) also provides the Attorney General with authority to adopt regulations to further the purposes of the CCPA. A 45-day deadline to respond to a request to delete is consistent with the timeframes within the CCPA and balances giving a business sufficient time to access and delete the data, while not requiring consumers to wait indefinitely after invoking their rights. As to deletion, Civil Code § 1798.105(a) states that a consumer shall have the right to delete any personal information about the consumer that the business has collected from the consumer, not just data collected within the last 12 months.	W61-15	00349-00350
387.	How must a business respond when a consumer fails to provide a verified response within 45 days?	No change was made in response to this comment. The regulations provide guidance regarding a business's obligations in establishing, documenting, and complying with a reasonable method for verification. See §§ 999.323, 999.324, 999.325. They do not go into this level of granularity regarding whether a business needs to remind consumers to verify their	W203-10 W203-15 W203-16 OLA5-4	01668 01669 01669 LA21:9-21:19

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		request because this is a fact-specific and business-specific question. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
-	**§ 999.313(c) generally**			
388.	Section 999.313 describes different processes depending on whether a consumer is requesting specific pieces of personal information or categories of information. Providing this kind of flexibility was not envisioned in the statute, and many of our members have already started building solutions that do not afford multiple choices of this kind. OAG should clarify that this multi-tier approach is not mandatory.	No change has been made in response to this comment. The CCPA specifies that the consumer can request both categories of personal information and specific pieces of personal information. See Civ. Code §§ 1798.100(a), 1798.110(a), 1798.115(a). Civil Code § 1798.185(a)(7) provides the Attorney General with authority to establish rules and procedures to facilitate a consumer's ability to obtain information pursuant to the CCPA. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. The approach taken in § 999.313 balances a consumer's right to know and the risk of the disclosure to unauthorized persons. The proposal to make the multi-tier approach optional is not more effective in carrying out the purpose and intent of the CCPA.	W57-3	00302
389.	Provide guidance on the method to inform consumers that their identity cannot be verified because communication with a non-verified consumer, even without disclosure of the information, can by itself create risk to the security of the information.	No change has been made in response to this comment. The regulation is meant to apply to a wide-range of factual situations and across industries. As a result, there are many different ways in which consumers may interact with the businesses subject to the CCPA. Prescribing the method by which a business responds to the unverified consumer may not best address all the different ways in which consumers interact with businesses. The comment provides no support for the assertion that the method of communicating with an unverified consumer, by itself, creates a risk to the security of the information.	W45-22	00205
390.	Businesses receiving requests to access connected vehicle data should be allowed to produce aggregate compilations of the personal information collected by the business rather than the personal information specifically tied to a particular vehicle. Connected vehicles raise	No change has been made in response to this comment. Section 999.313(c), as amended, takes a risk-based approach, balancing a consumer's right to know about their personal information collected, used, and shared by a business with the consumer's interest in preventing the disclosure of their personal information to unauthorized persons. The regulation specifies	W50-2	00228-00229

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	particular privacy concerns because the information collected may pertain to other vehicle operators or passengers.	how a business should respond to requests that seek the disclosure of personal information when the business cannot verify the identity of the consumer pursuant to Article 4 of the regulations. Section 999.318 also provides guidance regarding requests to access or delete household information, which may apply here. In addition, the OAG notes that the CCPA does not require a business to "reidentify or otherwise link information that is not maintained in a manner that would be considered personal information." See Civ. Code § 1798.145(k). It would be reasonable, however, that the business's verification method contemplates how to verify when a consumer is the sole user of the connected vehicle, and can therefore comply with the consumer's request.		
391.	Insert a clear sentence that excludes businesses from disclosing personal information obtained for insurance fraud investigating purposes.	No change has been made in response to this comment. It is not necessary to include the proposed language because the CCPA and the regulations are reasonably clear regarding when a business may deny a request to know. See, *e.g.*, Civ. Code §§ 1798.145, 1798.196; § 999.313(c)(5). Businesses may deny a request to know if the disclosure is prohibited by law. See, *e.g.*, Civ. Code §§ 1798.145, 1798.196; § 999.313(c)(5).	W61-16 OSac6-3	00350 Sac 27:11-27:15
392.	Provide examples of what is a category of personal information versus what is a specific piece of personal information.	No change has been made in response to this comment. Civ. Code § 1798.140(o) defines "personal information." The term "categories" may be readily understood by reference to the common usage of the word and is reasonably clear. Specific piece of information is the actual information and category of information is general category. For example, a category of personal information might be purchase history, and a specific piece of personal information in that category may be an actual item that was purchased on a specific date.	W61-16	00350
393.	Permit a business to not disclose personal information in response to a request to know where such disclosure poses a significant risk to:	No change has been made in response to this comment. The commenter does not explain how disclosing specific pieces of information about a consumer to that consumer would pose a risk to the safety and security of that consumer or of other	W63-3 W63-12	00366 00372-00373

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	(1) consumers, and not just to the information itself; or (2) other individuals.	individuals. Rather, the comment is directed at disclosing specific pieces of information about a consumer to the wrong consumer. The regulations regarding consumer verification already address the concern raised about disclosing information to the wrong consumer.		
394.	Insert a provision that a business shall not be required to respond to a consumer's right-to-know requests more than twice in a 12-month period, regardless of whether the requests seek specific pieces of personal information or categories personal information.	No change has been made in response to this comment. It is not necessary to include this language because the CCPA addresses this in two separate sections. Civil Code § 1798.100(d) states "a business may provide personal information to a consumer at any time, but shall not be required to provide personal information to a consumer more than twice in a 12-month period." Civil Code § 1798.130(b) states "a business is not obligated to provide the information required by Sections 1798.110 and 1798.115 to the same consumer more than twice in a 12-month period."	W63-23	00380-00381
395.	Do not require businesses to disclose categories of personal information if the consumer also requested specific pieces of information and the business discloses specific pieces of information. Comments claim regulation's requirement is burdensome, duplicative, and does not give consumers value or transparency.	No change has been made in response to this comment. The regulation is consistent with the CCPA, and the OAG has made every effort to limit the burden of the regulations while implementing the CCPA. The CCPA provides separate rights to know specific pieces of personal information (see Civ. Code § 1798.100) and categories of personal information (see Civ. Code §§ 1798.100, 1798.110, 1798.115, 1798.130).	W69-11 W123-13 W162-28	00446-00447 00958 01339-01340
396.	Clarify that precise geolocation may be disclosed by businesses pursuant to a request to know only if there is a reasonable basis to do so because: (1) the FTC has recognized that precise geolocation is sensitive information; and (2) precise geolocation may also be used by abusers.	No change has been made in response to this comment. The commenter does not explain how disclosing specific pieces of information about a consumer to that consumer would pose a risk to the safety and security of that consumer. Rather, the comment is directed at disclosing specific pieces of information about a consumer to a person other than the consumer to whom the information pertains, such as a bad actor. The regulations regarding consumer verification already address the concern raised about disclosing information to the wrong consumer.	W91-8	00658
397.	Clarify how third-party collection agencies should respond to requests for information when voice recordings are involved: (1) Does the agency	No change has been made in response to this comment. The comment raises specific legal questions, such as whether the third-party collection agency is a "business," whether the	W106-6 W123-6	00796 00957

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	identify that is has recordings? (2) Does the agency produce the actual recordings and in what form? (3) Does the agency produce a transcription of the recordings?	information at issue is considered personal information, and whether the business falls within the exception set forth in § 999.313(c)(3). The questions require a fact-specific analysis. The commenters should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.		
398.	Include a narrow exemption to the "right to know": a business may deny a consumer's request to know "to the extent that this personal information is used solely to protect against malicious, deceptive, fraudulent, or illegal activity."	No change has been made in response to this comment. The comment's proposed change does not fall within any enumerated exception provided for by the CCPA. The comment's proposed change is also not as effective in carrying out the purpose and the intent of the CCPA. Rather, the comment is directed at disclosing specific pieces of information about a consumer to the wrong consumer, such as a bad actor. The regulations regarding consumer verification already address the concern raised about disclosing information to the wrong consumer.	W120-16	00934
399.	Revise the regulations to allow businesses to provide only the categories of information collected about that specific consumer, as opposed to specific pieces of information. This approach will be more secure, timelier, more straightforward, and will not reduce or limit the consumer benefits of the CCPA.	No change has been made in response to this comment. Civil Code §§ 1798.100(a) and 1798.110(a)(5) specifically provide a consumer with the right to request the specific pieces of personal information that business has collected about that consumer.	W168-1 W169-6 W169-7	01397-01398 01407, 01413-01414 01414
400.	To the extent a consumer wishes to verify that a business maintains accurate information about that consumer, the regulations could provide for a way for the consumer to provide updated information to the business in order for the business to verify that its records are updated with accurate personal information, as opposed to requiring businesses to provide specific pieces of information to the consumer.	No change has been made in response to this comment. The comment's interpretation of the CCPA, and its proposed change, is inconsistent with the language, structure, and intent of the CCPA. Civil Code §§ 1798.100(a) and 1798.110(a)(5) specifically provide a consumer with the right to request the specific pieces of personal information that business has collected about that consumer. The CCPA does not address the consumer's ability to update the accuracy of the personal information the business maintains. However, nothing precludes a business from	W168-2	01398

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		honoring a consumer's request to correct personal information maintained by the business.		
401.	If a business collects IP addresses from website visitors, does the business need to say that it collects IP addresses or does the business need to state the exact IP address it collected?	No change has been made in response to this comment. The CCPA sets forth the information that needs to be provided to the consumer. See Civ. Code §§ 1798.100. 1798.110, 1798.115, 1798.130. The regulations, as amended, provide the necessary guidance with regard to the specificity of the information provided in response to a request to know. To the extent that the comment asks whether the IP addresses it collects are "personal information," and thus subject to the CCPA, that is a fact-specific and contextual determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W203-8	01668
402.	Allow consumers to instruct a business to whom their request to know is made to send personal information to a third party. For example, the consumer should be able to instruct their financial institution to release some information to a potential landlord. Such a possibility is not set forth in the CCPA but will be an important feature of a user-consent based data portability framework in the future.	No change has been made in response to this comment. The OAG has not addressed whether a consumer may instruct a business to send a response to a request to know to a third party at this time in an effort to prioritize drafting regulations that operationalize and assist in the immediate implementation of the law.	W143-3	01099
403.	Delete §§ 999.313(c)(9) or 999.313(c)(10) or their requirements to provide individualized disclosures of categories of personal information, sources, and third parties. Alternatively, revise the provisions to clarify that businesses may satisfy the category-disclosure requests by providing consumers with disclosures about general business practices and categories.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it is inconsistent with the language, structure, and intent of the CCPA. The CCPA sets forth the information that needs to be provided to the consumer, including the categories of personal information, categories of courses, and/or categories of third parties. Civ. Code §§ 1798.100(c), 1798.110(c), 1798.115, 1798.130. Since the information is about that consumer, the response must be individualized. The provision also protects consumers from	W61-16 W69-16 W91-9 W104-1 W123-13 W152-4 W186-26	00350 00449-00450, 00483 00659 00786-00787 00958 01193-00195 01555

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		being denied their right to know by a business responding to them in a generic and unspecified way. ISOR, p. 19.		
- § 999.313(c)(1)				
404.	Revise or delete the last sentence because: (1) it is beyond the scope of the CCPA; (2) it is not supported by evidence that it is necessary to effectuate the purpose of the CCPA; (3) a business should not treat one request as another type of request; and (4) it is onerous to require a business to then also review the request under § 999.313(c)(2) when the request is unlikely to meet the requirements under § 999.313(c)(2) as it is. The regulation should instead allow businesses to provide or direct the consumer to its general business practices regarding the collection, maintenance, and sale of personal information set forth in its privacy policy.	No change has been made in response to this request. Civil Code § 1798.185(a)(7) provides the Attorney General with broad discretion to adopt regulations that establish "rules and procedures to further the purposes of Sections 1798.110" and to "facilitate a consumer's or the consumer's authorized agent's ability to obtain information pursuant to Section 1798.130." For the reasons set forth in the ISOR, the OAG determined that the provision is necessary because it describes what a business must do when it cannot readily verify the identity of the consumer. ISOR, p. 18. The approach in § 999.313(c)(1) and (2) allows a consumer the opportunity to receive the appropriate level of information in response to a request to know when a business cannot readily verify the identity of the consumer. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. Our review of the comments did not suggest that compliance would be burdensome. The comment's proposed change is not as effective and not less burdensome to affected privacy persons than the adopted regulation because the comment provides no evidence that a request that cannot meet the requirements of § 999.313(c)(1) will also never be able to meet the requirements of § 999.313(c)(2).	W38-10 W42-19 W61-20 W78-10 W88-22 W101-12 W102-4 W102-5 W112-6 W145-9 W162-30	00151-00152 00184-00185 00352 00556 00631 00742 00752 00753 00833-00834 01111 01340-1341
405.	The provision's mandatory conversion requirement: (1) fails to adequately consider security concerns; (2) increases consumers' risk of unauthorized access, identity theft, and phishing attacks; and (3) allows a business to provide information to requestors whose identify cannot be verified.	No change has been made in response to this comment. The OAG disagrees with the comment's interpretation of the regulation. For the reasons set forth in the ISOR, the OAG has determined that the regulation balances the consumer's right to know what personal information a business has about them with the danger of disclosing personal information to unauthorized persons. ISOR, p. 18. Section 999.313(c)(1) states that a business that denies a request in whole or in part shall also evaluate the consumer's request as if it is seeking the disclosure	W102-5 W102-6 W162-30	00753 00753 01340-01341

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		of categories of personal information about the consumer pursuant to subsection (c)(2). Section 999.313(c)(2) also requires a business to verify the identity of the person making the request pursuant to the regulations set forth in Article 4. The regulations regarding consumer verification already address the concerns raised about disclosing information to the wrong consumer.		
406.	Businesses may abuse this provision and use it as a broad excuse to deny many consumers disclosure based on a failure to verify identity. The Attorney General should carefully track the metrics of decline opt-outs and make those results public, along with the reasons for the declined requests.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulation. Sections 999.308(b)(8) and 999.317(g) require certain businesses to publicly disclose metrics about the requests that they received and how they responded. This information will inform the Attorney General, policymakers, academics, and members of the public about businesses' compliance with the CCPA.	W121-3	00939
- § 999.313(c)(2)				
407.	Delete the last sentence because it is redundant—the requestor already has access to the privacy policy and all other notice information made available by the business in order to make the request—and therefore is an unnecessary burden on the business.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it does not take into account providing consumers with transparency about the business's practices. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. The provision is necessary because it describes what a business must do when it cannot readily verify the identity of the consumer. Although the consumer presumably has access to the business's privacy policy, the regulation is necessary to provide the consumer with at least some information in response to their request to know. Providing this information is not overly burdensome because the business will already be responding to the request to inform the consumer that it cannot comply with it.	W115-46 W129-16 W130-1	00891 01009-01010 01013

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- § 999.313(c)(3)				
408.	Delete the provision because: (1) the provision is not necessary to protect consumers from bad actors; (2) many businesses will assert overbroad interpretations of this provision and thwart consumer requests to know; (3) the CCPA contains various rules on verification of consumer requests, and the Attorney General has promulgated various draft rules on verification that are sufficient to protect the security of consumers' personal information and accounts; and (4) disclosure to a consumer of their specific pieces of personal information will not create a risk to the security of the business's systems, and will not improve the bad actors' ability to intrude on the business's systems.	Accept. Provision deleted.	W174-24 W174-25 W174-26 OSF9-4	01450, 01451 01450-01451 01450, 01451 SF 40:7-40:16
409.	Supports this provision because: (1) it allows a business to not provide information to an unverified individual; and (2) the balancing tests laid out for respond to personal information requests, weighing the benefit to the consumer versus security risk, is a helpful clarification.	The OAG appreciates this comment of support. No change has been made in response to this comment. However, the OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #408.	W38-11 W63-1 W98-1 W115-47	00152-0153 00365-00366 00720 00892
410.	Revise the provision to permit a business to not disclose personal information in response to a request to know where such disclosure poses risk to: (1) consumers and other individuals, and not just to their information itself; (2) other individuals; and (3) business's ability to detect and prosecute fraud.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #408.	W63-2 W63-12 W69-13 W85-4 W123-13 W162-31 W190-24	00366 00372-00373 00448, 00482 00593 00958 01342 01596
411.	Delete or provide guidance, including use cases, for the terms "substantial" and "unreasonable" because they create ambiguity.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #408.	W115-47 W141-2 W169-5 W169-6	00892 01082 01406 01407, 01413-

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			W186-12	01414 01550-01551
412.	Revise the provision to change "substantial, articulable, and unreasonable risk" to "substantial, articulable, or unreasonable risk."	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #408.	W118-6 W186-12	00925 01550-01551
413.	Delete this provision in favor of a more bright-line rule or safe harbor because the provision: (1) requires substantial (and expensive) expertise and judgment to implement properly; and (2) places businesses in an impossible position of applying a vague and subjective standard (substantial, articulable, and unreasonable) to determine the exact line between when it must make the disclosure and when it cannot make the disclosure.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #408.	W151-3 W196-16	01183-01184 01630
414.	Revise this provision to: (1) include an exception if the disclosure is unreasonably burdensome on the business or an overly broad request; or (2) include unreasonable risks to physical property, intellectual property, or confidential corporate activities.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #408.	W188-4	01572, 01575
415.	Revise § 999.314(c)(3) to state that a business shall not respond to a request to know if disclosure of personal information inhibits its ability to detect security incidents; protect against malicious, deceptive, fraudulent, or illegal activity; prosecute those responsible for that activity; or safeguard consumers or consumer personal information. Allowing businesses to deny a request to know only when there is a substantial, articulable, and unreasonable risk to the security of the personal information, to the consumer's account, or to	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #408.	W85-4	00593

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	the security of the business's systems or networks shifts the decision-making from cyber professionals to compliance attorneys.			
-	**§ 999.313(c)(4)**			
416.	Revise this provision so that it states "a business shall not at any time in response to a consumer's request to know," in order to add certainty to the scope and prevent unintended consequences that would limit a business's ability to use this information to verify an individual's identity.	Accept. The regulation has been modified to state that a business "shall not disclose in response to a request to know…."	W61-16	00350
417.	Expand the list of data elements that cannot be disclosed. Comments suggest the addition of: (1) biometric data, (2) all data elements that would trigger class action exposure in the event of a data breach, (3) home address or precise geolocation data that would allow the inference of a precise home address (or school address), and (4) information that is extremely likely to cause harm to the consumer if disclosed to an unintended recipient, such as prescription drug or provider information, genetic information, information related to one's sex-life or sexual orientation, or information that could reveal the consumer's medical conditions, mental health status, or treatment for addiction.	Accept in part. The regulation has been modified to include unique biometric data generated from measurements or technical analysis of human characteristics, as this is included in the definition of "personal information" set forth in California's data breach notification law, Civ. Code § 1798.82 *et seq*. The rest of the comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it would overly restrict the consumer's right to know. The regulation balances the consumer's right to know with the harm that can result from the inappropriate disclosure of information. ISOR, p. 18. The regulations regarding consumer verification already address the concern raised about disclosing information to the wrong consumer.	W104-4 W118-7 W120-15 W121-6 W151-2 W190-23 OSF1-5	00788 00925 00933-00934 00939 01183 01596 SF 13:11-13:20
418.	Make clear that the business must not disclose these items of personal information even to the original consumer.	Accept in part. The regulation has been modified to state that a business "shall not disclose in response to a request to know…."	W141-3	01082
419.	Revise this provision to exclude circumstances where such identifiers are necessary to support portability.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it does not provide the same protection for these specific pieces of information. For	W69-14	00448-00449, 00482-00483

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		the reasons set forth in the ISOR, the provision makes clear the instances when a business should not disclose personal information and thereby address public concerns raised during the Attorney General's preliminary rulemaking activities. ISOR, p. 16. The provision also reduces the risk that a business will violate another privacy law, such as Civil Code § 1798.82, in the course of attempting to comply with the CCPA. ISOR, p. 16. A business should not rely on such personal information to support portability, and thus reduce the risk to the personal information.		
420.	Revise this provision to permit the disclosure of identification numbers in order to fulfill a verified request that does not carry an otherwise unreasonable risk or to instead impose higher standards for verification of requests for access to highly sensitive information because: (1) the provision is overbroad and contrary to consumer interests; (2) the provision may decrease the impact of the law if consumers can't access all their personal information; and (3) the CCPA does not establish or suggest a blanket ban on such disclosures but rather instructs the Attorney General to establish rules facilitating consumers' ability to obtain their covered information.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA in that it places specific pieces of personal information at risk when a consumer should already know such information. The CCPA provides the Attorney General with the authority to adopt regulations as necessary to further the purposes of the CCPA. See Civ. Code § 1798.185(b)(2). For the reasons set forth in the ISOR, the OAG has determined that the provision balances the consumer's right to know with the harm that can result from the inappropriate disclosure of information. ISOR, p. 16. The provision makes clear the instances a business should not disclose personal information and thereby addresses public concern raised during the OAG's preliminary rulemaking. ISOR, p. 16. The provision also reduces the risk that a business will violate another privacy law, such as Civil Code § 1798.82, in the course of attempting to comply with the CCPA. ISOR, p. 16. The provision reduces the risk that such personal information will be disclosed to an unauthorized party, even if helpful when disclosed to the consumer.	W73-11 W74-13 W184-6 W190-25 OSF11-5	00518-00519 00530 01537 01596-01597 SF 47:11-47:21
421.	Clarify whether it is possible to disclose some portion of the information (e.g., partial Social Security numbers) under this subsection.	No change has been made in response to this comment. The regulation is reasonably clear and these terms have plain meanings.	W160-6	01293

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422.	Provide guidance because the regulations appear to suggest that businesses should implement stringent verification methods to disclose sensitive personal information (§ 999.323), while at the same time they prohibit the disclosure of sensitive personal information (§ 999.313).	No change has been made in response to this comment. The regulations are consistent with the language, structure, and intent of the CCPA. The regulations are reasonably clear. The regulations require strict verification procedures for disclosure of sensitive personal information but have taken into account that there are certain subsets of specific pieces of personal information that should never be disclosed. ISOR, p. 18.	W169-5	01406
- **§ 999.313(c)(5)**				
423.	There are times when the precise legal basis cannot be provided to the consumer because such a disclosure would itself violate law. Revise this provision to require a business to: (1) disclose the existence of the conflict, without detailing the particular law or exception at issue; or (2) direct the consumer to the relevant information in the business's privacy policies.	Accept in part. The OAG has amended this provision to clarify that the business shall explain the basis for the denial unless prohibited from doing so by law. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it does not provide as much transparency to consumers and does not prevent businesses from treating consumers' requests in an all-or-nothing fashion.	W57-16 W69-15 W123-13 W148-10 W152-1 W155-11 W162-32 W186-26 W190-26	00305 00449, 00483 00958 01151-01152 01189-01191 01215 01342 01555 01597
424.	Requests guidance from the Attorney General because the exceptions to disclosure in response to a request to know in the CCPA are worded broadly. Specifically requests the Attorney General to clarify: (1) Whether a business' interpretation of the CCPA exceptions always "win[s]"; (2) whether it is sufficient for a business to identify one or more exceptions without expanding further; and (3) whether the consumer has the ability to contest the business's determination of the exception(s) that apply and whose interpretation "wins."	No change has been made in response to this comment. The regulation provides general guidance for CCPA compliance and is meant to be robust and applicable to many factual situations and across industries. The regulation provides businesses with discretion in determining how to communicate the required information and provides them with the flexibility to craft the responses in a way that the consumer understands. However, whether the disclosure of personal information conflicts with federal or state law, whether an exception to the CCPA applies, and whether the business's explanation of the basis for the denial is sufficient, is a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W38-13 W78-11	00153 00557
425.	Provide examples of when it is appropriate to deny a request to know because of a conflict with law or an exception to the CCPA.	No change has been made in response to this comment. The CCPA and regulations are reasonably clear regarding when a business may deny a request know. See, *e.g.*, Civ. Code	W45-23	00205

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		§§ 1798.100(c), 1798.145, 1798.196; §999.313(c)(1), (c)(2), (c)(5). The OAG does not believe it will add additional clarity to provide examples, and it would be too limiting.		
426.	Delete this provision because: (1) it is difficult for businesses to comply with; (2) it will cause consumer confusion because consumers do not, and should not be expected to, understand the overlapping and nuanced exceptions; (3) the information provides no value to the consumer; and (4) it improperly prevents business from using the consumer's personal information for other lawful purposes (i.e. fighting fraud or completing a consumer's transaction) if that reason was not included in the denial letter.	No change has been made in response to this comment. For the reasons set forth in the ISOR, the OAG has determined that this provision is necessary because it provides consumers with greater transparency concerning the business's process for handling their request and provides them with an opportunity to cure any defects in their request as well as a potential basis for contesting the denial. It also prevents businesses from treating consumers' requests in an all-or-nothing fashion or from using statutory or regulatory exceptions to retain data for their own purposes in derogation of the consumer's request. ISOR, pp. 18, 20. Moreover, the regulation is in line with Civil Code § 1798.145(i)(2), which requires a business that does not act on a consumer's request to inform the consumer of the reasons for not taking the action and any rights the consumer has to appeal the decision. The comment does not propose a specific amendment to the proposed regulation that would provide transparency to consumers regarding the reason(s) the business denied their request and that would be less burdensome for a business to comply with. Our review of the comments submitted did not suggest that compliance would be burdensome, that consumers would not understand the information provided, or that the information would not provide value to the consumer. To the extent a business has multiple exceptions for denying the request, the business should inform the consumer of all such exceptions unless prohibited from doing so by law.	W61-16	00350
427.	Delete or modify this requirement because: (1) the OAG is not authorized under the CCPA to require businesses that are exempt from the CCPA to comply with CCPA obligations, including responding in a particular way to consumer	No change has been made in response to this comment. The comment's interpretation of the CCPA is inconsistent with the language, structure, and intent of the CCPA. There is a difference between a business that is exempt from the CCPA and a business that must comply with the CCPA but may not be	W69-15 W88-23 W106-3 W123-3 W123-13	00449, 00483 00632 00795 00955 00958

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	requests; (2) the requirement undermines the purpose of an exemption from the obligations under the law; and (3) the requirement requires new tracking mechanisms to understand if an organization has exempted data about a consumer that could be included in disclosures.	obligated to comply with a consumer's request. A business that is exempt from the CCPA is not obligated to comply with CCPA or the regulations. See Civ. Code § 1798.145(c). A business that is required to comply with the CCPA must comply with the CCPA and its regulations even if the business may not always be obligated to comply with a consumer's request. Compare, *e.g.*, Civ. Code §§ 1798.105(b), 1798.130(a)(5) with Civ. Code § 1798.105(d). Similar to the CCPA, the regulation requires a business to disclose to a consumer certain information even when a business is not required to comply with the consumer's request. For the reasons set forth in the ISOR, the OAG has determined that this provision is necessary because it provides consumers with greater transparency concerning the business's process for handling their request and provides them with an opportunity to cure any defects in their request as well as a potential basis for contesting the denial. It also prevents businesses from treating consumers' requests in an all-or-nothing fashion or from using statutory or regulatory exceptions to retain data for their own purposes in derogation of the consumer's request. ISOR, pp. 18, 20. Moreover, the regulation is in line with Civil Code § 1798.145(i)(2), which requires a business that does not act on a consumer's request to inform the consumer of the reasons for not taking the action and any rights the consumer has to appeal the decision.	W145-10 W152-1	01111 01189-01191
428.	Delete the clause "because of a conflict with federal or state law, or an exception to the CCPA" because: (1) the business should inform the requestor of the reasoning behind any denied right to know request; and (2) as written, the regulations would not require any response if the company determined that it had no records responsive to the request or was otherwise not obligated to provide the requested information,	Accept in part. The OAG has inserted a regulation that states, in responding to a request to delete, a business shall inform the consumer whether or not it has complied with the consumer's request. § 999.313(d)(4). The regulations, as amended, address the concerns raised because the consumer will receive a response to their request. See § 999.313(a), (b), (c). No change has been made in response to the rest of the comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it does not take into	W174-30	01452

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	leaving the consumer uncertain as to whether the request was in fact received and processed at all.	account that a business may not be able to provide the basis for the denial because it is prohibited by law from doing so.		
429.	Clarify the meaning "explain" because it is unclear and allows for potentially vague and incomplete responses.	No change has been made in response to this comment. The regulation is reasonably clear. The business shall explain the basis for the denial. There is no limit on the scope. The regulation already addresses the concern raised.	W178-5	01497
- **§ 999.313(c)(6)**				
430.	Clarify accountability for the risks associated with potential breach of personal information in transit due to communication over an unencrypted or potentially compromised network, or when sent by mail, and what constitutes reasonable security measures in the context of transmission by mail.	No change has been made in response to this comment. Modifying the regulations to this level of specificity would add complexity to the rules without providing identifiable benefits. The regulation states that a business should use reasonable security measures when transmitting personal information to the consumer. This is a legal, fact-specific determination which may vary according to the business and industry. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. Furthermore, the OAG has determined that the most sensitive information should not be disclosed in response to a request to know, to minimize the chances for violating existing legal frameworks. § 999.313(c)(4); FSOR, § 999.313(c)(6).	W72-5 W91-11 W160-5	00511-00512 W00660 01293
431.	Clarify what constitutes reasonable security measures. Is transmission by email reasonable? If not, can a business require that a user create an account on a third-party system to handle secure communication?	No change has been made in response to this comment. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. Whether a business uses reasonable security measures when transmitting personal information to the consumer by methods such as email is a fact-specific determination, and it is unclear, for example, whether the comment implies that the personal information is protected in emailed transmission. To the extent this comment seeks legal advice regarding the CCPA, the comment is irrelevant to the proposed rulemaking action. The commenter should consult	W203-17	01669

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		with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
- § 999.313(c)(7)				
432.	Delete "if a business maintains a password-protected account with the consumer" because: (1) passwords are becoming obsolete; (2) passwords are insecure because of the number of compromised passwords; (3) there are many methods of authenticating users (e.g., device-linked identifier, biometrics, one-time codes); and (4) the rule already requires a secure portal, and thus, if a portal is secure, then it does not matter whether the consumer has a password-protected account.	No change has been made to in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because a business that uses other means to authenticate consumers is not prevented from using a secure self-service portal. The regulation provides businesses discretion and flexibility in responding to consumers' requests in a cost-effective manner while ensuring that the businesses comply fully with consumers' requests in a secure fashion. It addresses public concerns raised during the Attorney General's preliminary rulemaking activities and reflects Civil Code § 1798.130(a)(2), which allows business to require the consumer to submit a verifiable request through a password-protected account with the consumer. A business that maintains a password-protected account with the consumer may, but is not required to, comply with a request to know by using a secure self-service portal.	W27-8 W116-5 W116-6	00093-00094 00905-00906 00906-0907
433.	Remove the requirement that the portal "fully" disclose the personal information the consumer is entitled to because: (1) it may deter businesses from using such portals and thereby deny consumers a convenient and secure means of exercising their rights; (2) a portal is not always efficient or feasible for all of the information; and (3) the GDPR allows a split approach. Alternatively, clarify that a business which maintains a password-protected account with the consumer is not required to use a self-service portal to comply with a request to know.	No change has been made in response to this comment. The regulation is reasonably clear. The regulation provides businesses discretion and flexibility in responding to consumers' requests in a cost-effective manner while ensuring that the business comply fully with consumers' requests in a secure fashion. A business that maintains a password-protected account with the consumer may, but is not required to, comply with a request to know by using a secure self-service portal.	W57-18 W62-3	00306 00360
434.	The comment reads § 999.313(c)(7) as requiring "that consumer access responses should be	No change has been made in response to this comment. The comment's interpretation of the regulation is inconsistent with	W115-51	00893

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	made portable provided technically feasible." The comment is concerned because: (1) there is no single standardized or uniform format for interchanging test data, so there is no "technically feasible" way to enable a consumer to port test results/scores; and (2) test takers do not "comparison shop" and so there is nowhere to port the information.	the regulation's language. The regulation states that a business that maintains a password-protected account with the consumer *may* comply with a request to know by using a secure self-service portal for consumers to access, view, and receive a portable copy. It is not mandatory to provide the information through a portal; however, a business must still comply with Civil Code §§ 1798.100(d) and 1798.130.		
435.	Asks legal questions about whether a business can deny a request to know where data portability is not technically feasible, and whether a business may require consumers to create an account on a third-party system if the business does not have an existing password-protected portal access.	No change has been made in response to this comment. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. The comment raises specific legal questions and seeks legal advice regarding the CCPA and is therefore irrelevant to the proposed rulemaking action. The comment should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. With regard to whether a business may require consumers to create an account on a third-party system, the OAG has not addressed this issue at this time in an effort to prioritize drafting regulations that operationalize and assist in the immediate implementation of the law.	W115-51 W203-18	00893 01669
436.	Clarify that § 999.313(c)(7) applies to requests to know submitted by a consumer or an authorized agent.	No change has been made in response to this comment. The OAG has not addressed this specific issue at this time in an effort prioritize drafting regulations that operationalize and assist in the immediate implementation of the law.	W162-34	01343
437.	Replace the word "using" with "directing the consumer to," to clarify that the business may direct the consumer to the portal.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because the word "use" is broader than the suggested change.	W177-15	01487-01488
- § 999.313(c)(8)				
438.	Businesses should not be required to look back beyond the effective date of the regulations or	No change has been made in response to this comment. The comment's proposed change is inconsistent with the language,	W57-29 W103-26	00308-00309 00783

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	the effective date of the CCPA to respond to a disclosure request.	structure, and intent of the CCPA. Civil Code 1798.130(a)(2) states that the disclosures shall cover the 12-month period preceding the business's receipt of the verifiable consumer request.		
439.	Clarify that a business may provide only the data "as of" the date of the request instead of "as of" the date of the disclosure. Businesses with large amounts of data cannot query data and render it in real time.	No change has been made in response to this comment. The regulation is reasonably clear. See also Civ. Code § 1798.130(a)(2).	W161-14	01305
- **§ 999.313(c)(9)**				
440.	Delete the provision because (1) it is unclear what would constitute an "individualized response" that is not specific pieces of information, and (2) it exceeds the bounds of the CCPA.	No change has been made in response to this comment. The regulation is reasonably clear. The CCPA sets forth the information that needs to be provided to the consumer, including the categories of personal information, categories of courses, and/or categories of third parties. See Civ. Code §§ 1798.100(c), 1798.110(c), 1798.115, 1798.130. Since the information is about that consumer, the response must be individualized to that consumer. For example, the business may generally collect five categories of personal information from consumers, but for the particular consumer making the request, it may only have information in two of the five categories. In that case, the response to the consumer should state the two categories. Only if the response would be the same for all consumers may a business refer the consumer to the business' general practices outlined in its privacy policy.	W42-20	00185
441.	Permit generic disclosures in the privacy notice when the response would be same for "substantially all" or "most" customers.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it provides less protection for consumers who need it the most. There is no basis for changing "all" to "substantially all" or "most," and providing less protection for outlier consumers, since such consumers would not be provided individualized information when, in fact, such consumers would need the information the	W69-11 W123-13 W162-29	00446-00447, 00483 00958 01339-01340

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		most. The provision also protects consumers from being denied their right to know by a business responding to them in a generic and unspecified way. ISOR, p. 19.		
442.	The provision goes beyond what the CCPA requires, would impose significant burdens on business, and is inconsistent with the transparency approach that has worked under other privacy regimes such as the GDPR. Revise the provision so that (1) a business is required to provide an individualized response only in response to a consumer's specific request for such information, and (2) a business may request that the consumer specify the information being requested before providing such an individualized response.	No change has been made in response to this comment. The regulation is consistent with the language, structure, and intent of the CCPA, and is not intended to enact other privacy regimes such as the GDPR. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it does not provide the required information to consumers. The CCPA sets forth the information that needs to be provided to the consumer, including the categories of personal information, categories of courses, and/or categories of third parties. Civ. Code §§ 1798.100(c), 1798.110(c), 1798.115, 1798.130. Since the information is about that consumer, the disclosure must be individualized. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. Significantly, the CCPA does not place the onus on the consumer to know what specific information it should ask from a business.	W187-9	01569-01570
- § 999.313(c)(10)				
443.	Explicitly refer to the 12-month look back period to align with the statute and generally make compliance obligations clearer for businesses.	Accept. The regulation has been modified to state that the business is to provide the categories of personal information the business has collected about the consumer in the preceding 12 months.	W38-16	00154
444.	Delete requirement "for each category of personal information" because this requirement would result in privacy policies that are lengthier and more granular than those required by the CCPA and is a burden for companies to comply with.	No change has been made in response to this comment. In response to other comments, the OAG has deleted the provision in order to align the regulations with the CCPA (See Civ. Code §§ 1798.110(c)(1)-(4), 1798.130(a)(3)(B), 1798.130(a)(4)(A)-(B)), and thus is comment is now moot. See response #443; FSOR, § 999.313(c)(10).	W63-22 W69-11 W69-16 W88-24 W91-9 W104-1 W123-13	00379-00380 00444-00445, 00483 00449-00450, 00483 00632 00659 00786-00787 00958

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			W152-4 W162-28 W186-23 W190-28	01193-01195 01339-01340 01553-01554 01598
445.	Delete "the category of personal information" from § 999.313(c)(10)(c) and (d).	No change has been made in response to this comment. The OAG has modified the provision in order to align the regulations with the CCPA (see Civ. Code §§ 1798.110(c)(1)-(4), 1798.130(a)(3)(B), 1798.130(a)(4)(A)-(B)), and thus, this comment is now moot. See response #443; FSOR, § 999.313(c)(10).	W69-19 W104-1 W123-13	00452 00786-00787 00958
446.	Delete all the requirements in this provision because Civil Code §§ 1798.100, 1798.110, and 1798.115 permit consumers to request to know about different types of practices in differing levels of detail. Section 999.313(c)(10) should acknowledge that a consumer can request specific categories of personal information and be revised to clarify that businesses may disclose, where applicable, only the more limited subset of enumerated categories requested by a consumer..	No change has been made in response to this comment. The CCPA sets forth the information required to be disclosed to the consumer. See Civ. Code §§ 1798.110(c)(1)-(4), 1798.115, 1798.130(a)(3)(B), and 1798.130(a)(4)(A)-(B). Because these statutory requirements for responding to these requests are distributed throughout the CCPA, the provision, as amended, is necessary to consolidate and clarify them, and thus, make it easier to businesses, particularly small businesses, to comply. ISOR, p. 19. To the extent that a consumer requests only certain categories of personal information, the business shall respond according to the consumer's direction. The regulations are meant to address a wide-range of factual situations and across industries.	W69-9 W69-16 W69-19 W123-13	00444-00445, 00483 00449-00450, 00483 00452 00958
447.	Supports this provision because the requirement "for each category of personal information collected": (1) furthers the purpose of providing the consumer with a comprehensive description of a business's online and offline practices regarding the collection, use, disclosure, and sale of personal information; (2) furthers the right of Californians to know what personal information is being collected about them; (3) furthers the right of Californians to know whether their	The OAG appreciates this comment of support. No change has been made in response to this comment. However, the OAG has modified the provision in response to other comments. See response #443.	W199-7	01647-01648

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	personal information is sold or disclosed and to whom; (4) provides Californians with the information that empowers their right to say no to the sale of personal information; and (5) allows consumers to meaningfully exercise their right to say no to the sale of personal information.			
-	**§ 999.313(c)(11)**			
448.	Clarify that use of the language specifically enumerated either in the statute or this regulation would "provide[] consumers a meaningful understanding of the categories listed."	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it potentially prescribes the language a business may used. The regulation is meant to be robust and applicable to many factual situations and across industries. The regulation provides direction to businesses on what to communicate to consumers without specifically prescribing particular language. The regulations provide the business with discretion in determining the best way to communicate the required information and provides them with flexibility to craft the communication in a manner that provides consumers a meaningful understanding.	W69-11 W123-13 W162-28	00446-00447, 00483 00958 01339-01340
449.	Add a requirement that responses to consumers' requests to know should provide data in a structured, commonly used, machine-readable, and interoperable format.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it is too limiting. Civil Code § 1798.100(c) states that "the information may be delivered by mail or electronically, and if provided electronically, the information shall be in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit this information to another entity without hindrance." The regulation is meant to apply to a widerange of factual situations and across industries. For the reasons set forth in the ISOR, the provision takes a performance-based approach based on studies of effective privacy notices and plain-language writing. ISOR, p. 19. The regulation provides the business with	W143-2	01098

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		discretion in determining the best way to communicate the required information and provides them with flexibility to craft the communication in a manner that provides consumers a meaningful understanding.		
- **§ 999.313(d) generally**				
450.	Sections 999.313(d)(4) and 999.313(d)(6) do not address the situation when a business has not necessarily denied a consumer's request but also has not deleted any information.	Accept. The OAG has inserted a provision stating that in responding to a request, a business shall inform the consumer whether or not the business has complied with the consumer's request.	W117-8	00919
451.	The regulations should, to the extent permissible by statute, clearly exempt from deletion requests material in published works such as books or magazines to protect First Amendment rights.	No change has been made in response to this comment. Civil Code § 1798.105(d) sets forth when a business or a service provider shall not be required to comply with a consumer's request to delete the consumer's personal information.	W32-2	00115
452.	Clarify how far back consumers may request a business to delete personal information about them. The provision should be revised to: (1) explicitly refer to the 12-month look back period for a consumer's request to delete because Civil Code § 1798.130 refers to the 12-month look back period for several sections of the statute, including the request to delete provision; and (2) clarify that a business is not expected to delete personal information that was collected before the CCPA's effective date.	No change has been made in response to this comment. The comment's interpretation of the CCPA is inconsistent with the language, structure, and intent of the CCPA. Civil Code § 1798.105(a) states that a consumer shall have the right to request that a business delete any personal information about the consumer which the business has collected from the consumer. In contrast, Civil Code § 1798.130(a)(2)'s reference to a 12-month look back pertains to disclosures in response to requests to know. Thus, the CCPA's right to delete does not include a 12-month lookback restriction.	W38-16 W72-1 W72-2 W103-27	00154 00512 00512 00783
453.	Requests clarification that businesses regulated under the Fair Debt Collection Practices Act (FDCPA) are exempt from responding to request to delete information because a natural conflict arises for businesses to comply with the requirements of consumer protection statutes related to debt collection, as such companies cannot delete information.	No change has been made in response to this comment. This clarification is not necessary because Civil Code § 1798.105(d) sets forth when a business shall not be required to comply with a consumer's right to delete, which includes when they must maintain the information to comply with a legal obligation. Civil Code § 1798.145(c) also sets forth that the CCPA shall not restrict a business's ability to comply with federal, state, and local laws, among other things. Further, Civil Code § 1798.196 states that it	W45-20	00204

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		is intended to supplement federal and state law, if permissible, but shall not apply if such application is preempted by, or in conflict with, federal law of the United States or California Constitution.		
454.	Revise the regulations to exclude from the deletion requirements certain data points that: (1) finance companies use internally for risk modeling, customer service, fraud prevention or other purposes necessary for financing companies to conduct business; (2) a business maintains because a consumer may need to be contacted in the future for various reasons, the consumer may want to request certain records of their transactions with the business, the consumer may wish to opt-out of receiving certain marketing material, the consumer has reported fraud or identity theft, or the business must comply with the state or federal do not call laws; and (3) reduce fraud, such as when malicious consumers will request deletion of data before law enforcement subpoenas the data to impede investigations.	No change has been made in response to this comment. Civil Code § 1798.105(d) sets forth when a business shall not be required to comply with a consumer's right to delete the consumer's personal information. Civil Code § 1798.145(c) also sets forth when the CCPA shall not apply. The regulations as amended also set forth the records a business may maintain related to a consumer's requests. See Sections 999.313(d)(5), 999.317(b)-(f). Modifying the regulation to include the specific context of how the law applies to finance companies would also add complexity to the rules without providing identifiable benefits.	W48-7 W48-8 W48-9	00220 00220-00221 00221
455.	Provide further guidance to clarify: (1) the meaning of "reasonably anticipated within the context of a business' ongoing business relationship with the consumer" in Civil Code § 1798.105(d)(1); (2) that expected subscription messages are reasonably anticipated within an ongoing business relationship with a consumer that maintains a subscription with the company following a deletion request; and (3) the meaning of "reasonably aligned with expectations" of the consumer in Civil Code	No change has been made in response to this comment. The regulation is meant to apply to a wide range of factual situations and across industries. As a result, there may be different consumer reasonable anticipations and/or expectations depending on the business and the consumer's relationship with the business. Further guidance may not best address the different circumstances and may be too limiting.	W48-10 W161-10	00221-00222 01302-01303

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	§ 1798.105(d)(7), because it is impossible for small businesses to know what the customers' reasonable expectations are with respect to data they submitted to apply for financing.			
456.	Provide further guidance regarding (1) whether Civil Code § 1798.105(d)(8)'s use of "legal obligation(s)" includes only legal statutory or regulatory obligations or also contractual obligations that exist between a financing company and its senior lending facility; and (2) what is considered "lawful" as used in Civil Code § 1798.105(d)(9).	No change has been made in response to this comment. The comment raises specific legal questions and seeks legal advice regarding the CCPA that may require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W48-11 W48-12	00222 00222
457.	Clarify in the regulations that delete requests should be treated in the same manner as disclosure requests, and no more than two in a 12-month period should be required. Responding to requests to delete is no less burdensome, and in some ways is more burdensome, than responding to requests to know.	No change has been made in response to this comment. The CCPA does not limit the number of times a consumer may request to delete in a 12-month period.	W57-28	00308
458.	Businesses that are not required to comply with a consumer's request to delete the consumer's personal information (such as under Civil Code § 1798.105(d)) should not have to respond to each deletion request as required by § 999.313. The exemption could be structured the same as § 999.306(d), which exempts businesses that do not intend to sell information from notifying consumers of their right opt-out of the sale of such information.	No change has been made in response to this comment. The comment's interpretation of the CCPA is inconsistent with the language, structure, and intent of the CCPA. A business that is required to comply with the CCPA must comply with the CCPA and its regulations even if the business may not always be obligated to comply with a consumer's request. Compare, *e.g.*, Civ. Code §§ 1798.105(b), 1798.130(a)(5) with Civ. Code § 1798.105(d). Similar to the CCPA, the regulation requires a business to act even when a business is not required to comply with the consumer's request. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it would not provide transparency to consumers. Section 999.306(d) exempts businesses that do not	W61-17 OSac6-2	00351 Sac 27:3-27:10

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		sell information; this reason applies across all factual scenarios and industries. In contrast, a business may have different reasons why it is not required to comply with a consumer's request to delete.		
459.	Include a provision that exempts personal information collected and used internally for analysis related to safety, quality, performance, efficiency, or security by a business or service provider from being subject to a request to delete as long as the collection and use is disclosed to consumers.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it applies to a limited factual scenario and industry. Civil Code § 1798.105(d) sets forth when a business or a service provider shall not be required to comply with a consumer's request to delete. The regulation is meant to apply to a wide-range of factual situations and across industries. Compliance with the CCPA and the regulations is a fact-specific determination.	W63-6	00368
460.	Clarify for financial institutions (1) their obligations when faced with technical limitations in purging personal information, and (2) the quantitative thresholds for considerations of what is a "reasonable need" to justify refusal to delete client data.	No change has been made in response to this comment. Civil Code § 1798.105(d) sets forth when a business or a service provider shall not be required to comply with a consumer's request. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. The regulation is meant to apply to a wide-range of factual situations and across industries, not only for financial institutions. Whether a business has the requisite "reasonable need" to justify denying a consumer's request to delete is a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The CCPA and regulation provide sufficient guidance for a business to respond to consumer's request to delete.	W72-1 W72-3	00511-00512 00511-00512
461.	Insert a provision to allow a business to respond to a request to delete by "describing in clear terms what will happen if a consumer's information is deleted, provided that the business shall not present the information in a manner designed to coerce consumers into refraining from deleting the consumer's personal	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it is not necessary for the OAG to state whether a business is allowed to provide the proposed information regarding the right to delete. The regulations are meant to be robust and applicable to many factual situations and across industries. This is similar to the	W74-30	00535

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	information or in a manner that makes it difficult for the consumer to exercise the right to delete."	OAG's reasoning with respect to providing the notices and privacy policy required by the CCPA: the OAG considered and rejected a more prescriptive approach in the format and method and reasoned that prescribing the manner and format in which businesses provide notices to consumers may not best facilitate the comprehension of the notices and the privacy policy. See ISOR, pp. 42-43. The regulations provide the business with discretion in determining the best way to communicate the required information and provides them with the flexibility to communicate in a way that the consumer understands.		
462.	Clarify that a Vehicle Identification Number ("VIN") is exempt from the right to delete under the CCPA, and provide guidance regarding vehicle information.	No change has been made in response to this comment. Whether a VIN number is exempt from the right to delete is a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulations are meant to be robust and applicable to many factual situations and across industries, and provide general guidance for CCPA compliance.	W91-6	00657-00658
463.	Provide guidance regarding an analysis similar to § 999.313(c)(3) when a requester's request to modify or delete "low value" personal information (name, email address, or phone number) would represent a security risk.	No change has been made in response to the comment. The OAG has deleted § 999.313(c)(3) and thus, this comment is now moot.	W170-1	01419
464.	Asks legal questions regarding (1) requirements for business's third-party suppliers to delete data if the consumer does not ask them directly, (2) whether a consumer must submit a separate request for deletion to all companies a business shares/sells their data to, and (3) whether a business must notify third parties of deletion requests.	No change has been made in response to the comment. Civil Code § 1798.105(c) requires a business to direct any service providers to delete the consumer's personal information from their records. To the extent the comment raises specific legal question and seeks legal advice regarding the CCPA, the comment is irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulations provide general guidance for CCPA compliance.	W203-2 W203-13 W203-14 OLA5-7	01668 01669 01669 LA 22:5-22:14

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- **§ 999.313(d)(1)**				
465.	Delete the requirement that a business treat an unverified request to delete as a request to opt-out because a request to delete is distinct from a request to opt-out and converting the former to the latter may be inconsistent with consumer intent. Businesses have limited ability to remedy the error if a request to delete is treated as an opt-out request in conflict with a consumer's preference, since the CCPA requires a business to wait for 12 months after an opt-out before requesting re-authorization of the sale of personal information. If the requirement is not deleted, it should be modified to require consumers to specifically ask businesses to convert their unverified request to delete to an opt-out request.	Accept. The regulation has been modified to delete the requirement that the business treat an unverified request to delete as a request to opt-out of sale. Instead, the regulations have been been modified to insert a provision stating that if a business that denies a consumer's request to delete sells personal information and the consumer has not already requested to opt-out, the business shall ask the consumer if they would like to opt-out of the sale of their information and shall include the contents of, or a link to, the notice of right to opt-out. § 999.313(d)(7). The change balances consumers' ability to prevent the proliferation of their personal information in the marketplace with the burdens on businesses. FSOR, § 999.313(d)(7).	W26-3 W53-15 W55-12 W60-24 W69-9 W70-4 W73-12 W96-5 W97-2 W98-3 W102-7 W112-7 W126-12 W126-14 W148-11 W151-7 W155-8 W161-11 W162-35 W165-17 W186-33 W190-27 W192-2 W204-10 OSac3-2	00073-00074 00250-00251 00283 00333-00334 00444-00445, 00484 00501-00502 00519 00686-00687 00692-00694 00721 00754, 00755 00833-00834 00978 00978 01152 01184-01185 01213-01214 01303-01304 01343 01376-01377, 01378 01557 01598-01599 01610, 01612- 01613 01674, 01685- 01686 Sac 14:14-14:23
466.	Delete or modify the requirement that a business treat an unverified request to delete as a request to opt-out of sale because: (1) unverified	No change has been made in response these comments. In response to other comments, the OAG has modified the provision to delete the requirement that the business treat an	W26-3 W38-15 W42-21	00073-00074 00154 00185

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	requests to delete may be a sign of fraud, and effectuating verified opt-out conflicts could allow bad actors or bots to opt-out consumers without authorization, could harm consumers, could create additional security risks, would add undue complexity and potential exposure to businesses, and would conflict with the CCPA's focus of verification; (2) the provision is inconsistent with and exceeds the bounds of the CCPA, and exceeds the Attorney General's authority; (3) the ISOR does not cite a sufficient basis for the provision and the OAG has not put forth facts or studies to support the provision, as required by law; (4) the provision does not take into account businesses that do not sell (or have) personal information, and unfairly imposes additional burdens on such businesses, such as requiring them to maintain additional information related to opt-out of sale that violates principles of data minimization, simply because consumers failed to provide verification; (5) there is minimal benefit to consumers because the CCPA and regulations already provide them with the means to opt-out; (6) businesses may not be able to associate an unverified request to delete with a specific consumer or user account in order to opt-out the consumer; (7) businesses may face burdens trying to convert requests to delete into opt-out requests because they involve different mechanisms and different information; and (8) denial may be requied by an exception or because the business does not have sufficient	unverified request to delete as a request to opt-out of sale, and thus, these comments are now moot. Instead, the regulations have been been modified to insert a provision stating that if a business that denies a consumer's request to delete sells personal information and the consumer has not already requested to opt-out, the business shall ask the consumer if they would like to opt-out of the sale of their information and shall include the contents of, or a link to, the notice of right to opt-out. See response #465.	W50-2 W53-15 W54-7 W57-19 W60-24 W61-16 W61-17 W65-2 W69-9 W70-4 W73-12 W78-12 W88-25 W96-5 W97-2 W98-3 W101-13 W102-7 W102-8 W102-9 W102-10 W103-12 W112-7 W115-40 W116-15 W117-6 W123-13 W126-12 W126-13 W126-14 W126-15 W129-17	00229 00250-00251 00262-00263 00306 00333-00334 00351 00351 00401 00444-00445, 00484 00501-00502 00519 00557-00558 00632-00633 00686-00687 00692-00694 00721 00742 00754, 00755 00754-00755 00755-00756 00756 00779-00780 00833-00834 00888 00911 00918 00958 00978 00978 00978 00978 01010

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	authority because the information is owned by someone else.		W130-1 W145-11 W147-9 W148-11 W150-8 W151-6 W151-7 W155-8 W161-11 W162-35 W165-12 W165-13 W165-14 W165-15 W165-16 W165-18 W177-16 W188-1 W190-27 W192-2 W196-5 W202-6 W204-10 OLA12-3 OLA20-5	01013 01112 01128 01152 01174 01184 01184-01185 01213-01214 01303-01304 01343 01375-01376, 01378 01375-01376, 01378 01375-01376, 01378 01376, 01378 01376, 01378 01377, 01378 01488 01572, 01573 01597-01598 01610, 01612-01613 01628 01659 01674, 01685-01686 LA 43:5-43:18 LA 63:6-63:22
467.	Supports treating an unverified request to delete as a request to opt-out.	No change has been made in response to this comment. The OAG appreciates this comment of support. However, in response to other comments, the OAG has modified the	W74-43	00536

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		provision to state that if a business cannot verify a request to delete and the consumer has not already requested to opt-out, the business shall ask the consumer if they would like to opt-out of the sale of their information and shall include the contents of, or a link to, the notice of right to opt-out. See response #465.		
468.	Revise this provision to clarify when a business is not required to delete personal information, even if a request is verified.	No change has been made in response to this comment. The CCPA sets forth when a business or a service provider shall not be required to comply with a consumer's request to delete the consumer's personal information. See Civ. Code §§ 1798.105(d); 1798.145.	W103-14	00780
- **§ 999.313(d)(2) generally**				
469.	Remove deidentification and aggregation as options to delete because: (1) the options would still pose a risk to consumers from misuse and breach; (2) data can be reidentified or deanonymized; (3) the options are contrary to what an average consumer would understand as the right to delete; (4) there is a difference between deletion and a safe harbor for businesses to deidentify data; (5) the options create a loophole for a business to maintain personal information; (6) small and medium sized enterprises (SMEs) may lack the technical knowledge to properly deidentify; and (7) the options will encourage companies to wait until a request to delete before taking privacy-protective steps.	No change has been made in response to this comment. The regulation is consistent with the language, structure, and intent of the CCPA. The CCPA states that "'personal information' does not include consumer information that is deidentified or aggregate consumer information." See Civ. Code § 1798.140(o)(3). The CCPA states that "the obligation imposed on businesses by this title shall not restrict a business' ability to: collect, use, retain, sell, or disclose consumer information that is deidentified or in the aggregate consumer information." See Civ. Code § 1798.145(a)(5). As a result, the CCPA does not apply to information that is not "personal information" and allows deidentified and aggregate consumer information, regardless of the risk from misuse and breach. If the information falls under "personal information" and is not "deidentified" as defined by the CCPA (see Civ. Code § 1798.140(h)) or is not "aggregate consumer information" as defined by the CCPA (see Civ. Code § 1798.140(a)), then the business has not complied with the CCPA and regulations.	W74-1 W121-7 W121-8 W121-9 W121-10 W121-11 W121-12 W121-13 W121-14 W121-15 W174-33 W174-34 W189-8	00525 00939-00940 00939-00940 00939-00941 00941, 00942 00939-00941 00941 00941 00941 00942 01453 01453 01584
470.	Make § 999.313(d)(2)(a) the default response to requests to delete, and require a legitimate reason that § 999.313(d)(2)(a) is impractical	No change has been made in response to this comment. The comment's proposed change is not as cost effective and not less burdensome to affected privacy person than the adopted regulation because it unduly restricts a businesses ability to	W107-4	00803, 00804

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	when a business wishes to instead use § 999.313(d)(2)(b).	deidentify personal information. The regulation is consistent with the language, structure, and intent of the CCPA. The CCPA states that "'personal information' does not include consumer information that is deidentified or aggregate consumer information." See Civ. Code § 1798.140(o)(3). The CCPA states that "the obligation imposed on businesses by this title shall not restrict a business' ability to: collect, use, retain, sell, or disclose consumer information that is deidentified or in the aggregate consumer information." See Civ. Code § 1798.145(a)(5). As a result, the CCPA does not apply to information that is not "personal information" and allows deidentified and aggregate consumer information.		
471.	The Attorney General should convene a task force to look specifically at this issue of deletion, deidentification, aggregation, and de-anonymization.	No change has been made in response to this comment, which is interpreted to be more of an observation or general recommendation. To the extent that the commenter is suggesting that the task force change the definition of deletion, deidentification, aggregation, and de-anonymization, some of these terms are defined by the CCPA. See Civ. Code § 1798.140(a), (h), (o).	W121-15	00939-00940, 00942
472.	Insert a regulation that requires a business to notify any service providers to delete the consumer's personal information from their records.	No change has been made in response to the comment. The comment's proposed change is not necessary because the CCPA requires a business to direct any service provides to delete the consumer's personal information from their records. See Civ. Code § 1798.105(c).	W178-6	01497-01498
473.	Delete this provision because: (1) it limits businesses to three prescribed options for handling deletion; (2) this limit is beyond the CCPA requirement that businesses comply with consumer requests to have their personal information deleted; (3) it imposes the three options without consideration of cost or other potential measures that businesses could employ; and (4) it prevents business from	No change has been made in response to this comment. The comment's interpretation of the CCPA is inconsistent with the language, structure, and intent of the CCPA. The CCPA provides the Attorney General with the authority to adopt regulations as necessary to further the purposes of the CCPA. See Civ. Code § 1798.185(b)(2). The regulation does not restrict the method or means for a business to "permanently and complete eras[e] the personal information on [the business's] existing systems with the exception of archive or back-up systems," "deidentify[] the	W186-10	01550

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	employing risk-based measures to determine the most appropriate method of deletion on a case-by-case basis.	personal information," or "aggregat[e] the consumer information. Businesses have discretion to determine how to comply with the requirements of this provision, as long as the end result is that the personal information is either "permanently and completely eras[ed]," deidentified as defined by the CCPA (see Civ. Code § 1798.140(h)), or aggregate consumer information as defined by the CCPA (see Civ. Code § 1798.140(a)).		
474.	Require a business that deidentifies personal information pursuant to § 999.313(d)(2)(b) or that aggregates personal information pursuant to § 999.313(d)(2)(c) to also "permanently and completely erase" because: (1) deidentification or aggregation does not delete an individual consumer's record; and (2) simply removing, without deleting, identifying information is known to allow for reidentification.	No change has been made in response to this comment. The CCPA defines "personal information" (Civ. Code § 1798.140(o)) and "aggregate consumer information" (Civ. Code § 1798.140(a)). If the individual consumer records remain and fall under the definition of "personal information," then the business has not complied with the CCPA and regulations. The CCPA and regulations already address the issue raised.	W107-2 W107-3	00802 00802-00803, 00804
- **§ 999.313(d)(2)(a)**				
475.	Delete requirement "permanently and completely erasing the personal information" because it: (1) is not grounded in the text of the CCPA; (2) does nothing to further the purposes of the law; (3) imposes significant compliance challenges for businesses, since some database systems or architectures do not have this capability; and (4) may conflict with other provisions of the proposed regulation, such as those required by § 999.317.	No change has been made in response to this comment. The CCPA provides the Attorney General with the authority to adopt regulations as necessary to further the purposes of the CCPA. See Civ. Code § 1798.185(b)(2). The CCPA requires a business that receives a verifiable consumer request to delete personal information to delete the consumer's personal information from its records. See Civ. Code § 1798.105(c). The regulation provides businesses discretion to utilize the method to "permanently and completely erasing" the personal information best suited to their database systems or architectures. The regulation is consistent with Section 999.317 because Section 999.317 limits the information that a business shall maintain and further limits what a business shall use such information.	W60-18	00329-00330
476.	Clarify the meaning of "permanently and completely erasing" by specifying that a business	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out	W107-1	00800-00802, 00804

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	must make all non-exempt information about a requester permanently unretrievable throughout their data storage and processing systems. Adding specificity could encourage businesses to focus on the deletion properties that are most salient to customer privacy and data governance rights.	the purpose and intent of the CCPA because it is too limiting by requiring more specificity. The regulation is meant to apply to a wide-range of factual situations and across industries. The regulation provides businesses discretion to utilize the method to "permanently and completely erasing" the personal information best suited to their systems, system providers, applications, and other considerations.		
- **§ 999.313(d)(2)(b)**				
477.	Revise this provision to: (1) provide more guidance on what steps should be taken to properly deidentify information in order to comply with this part of the law; (2) disambiguate the term deletion from the term deidentify and includes specific requirements for deidentification that are at least as strong as comparable standards under HIPAA; (3) require a business to certify in its privacy policy that it has met the deidentification standard and affirm that it will not itself re-identify or seek to re-identify the data or reconstruct the relevant dataset using third parties; and/or (4) require a business to affirm that it will not use deidentified data that was subject to a deletion request from one or more consumers for further analysis, such as ad targeting.	No change has been made in response to this comment. Civil Code § 1798.140(h) defines "deidentified." The regulations are meant to be robust and applicable to many factual situations and across industries. Prescribing the steps that should be taken to properly deidentify information may not best address the CCPA definitions and all the different methods for complying with the CCPA definitions. To the extent the comments raise specific legal questions and seek legal advice, they are therefore irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W67-1 W77-1 W121-9 W121-10	00415 00546-00550 00939-00940, 00941 00941, 00942
478.	Clarify the requirements for deidentification under the CCPA, especially with regard to the differences under HIPAA.	No change has been made in response to this comment. Civil Code § 1798.140(h) defines "deidentified." The comment raises specific legal questions and seeks legal advice regarding the CCPA, as well as HIPAA, and is therefore irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W77-1 OSac12-1	00546-00550 Sac 49:4-49:14

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-	**§ 999.313(d)(2)(c)**			
479.	Provide more guidance on what steps should be taken to properly aggregate information in order to comply with this part of the law.	No change has been made in response to this comment. Civil Code § 1798.140(a) defines "aggregate consumer information." The comment raises specific legal questions and seeks legal advice and is therefore irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance. The regulations are meant to be robust and applicable to many factual situations and across industries. Prescribing the steps that should be taken to properly aggregate information may not best address the CCPA definitions and all the different methods for complying with the CCPA definitions.	W67-1	00415
-	**§ 999.313(d)(3)**			
480.	Modify the access requirement so that: (1) it is only triggered in the event that the business accesses such data with the intent to use it in the course of its day-to-day functions; (2) it excludes routine and necessary activities related to maintaining archives/backups; (3) a business may comply "by implementing reasonable safeguards and practices to ensure that personal information subject to a deletion request is not restored to an active system form the archived backup system or otherwise used for any commercial purpose;" or (4) it permits a business to delete consistent with a business's pre-established purge schedule. A business may not have the ability, technically or legally, to delete specific pieces of information from an archive or backup. A requirement to delete triggered by any access to the archive or back is overly burdensome for businesses because the next	Accept in part. The OAG has modified the provision so that a business may delay compliance with the consumer's request to delete, with respect to data stored on the archived or backup system, until the archived or backup system relating to that data is restored to an active system or next accessed or used for a sale, disclosure, or commercial purpose. The provision is necessary to describe how to handle requests to delete when information is stored on archived or backup systems. In drafting these regulations, the OAG has considered the interests of consumers with the potentially burdensome costs, and technical feasibility, of deleting information from archived and backup systems that may never be restored to an active system or used for a sale, disclosure, or commercial purpose.	W57-20 W57-21 W61-17 W69-9 W88-26 W92-1 W92-2 W92-3 W92-4 W92-5 W117-7 W123-13 W129-17 W130-1 W145-12 W151-8 W160-7 W177-17	00306 00306-00307 00351 00444-00445, 00484 00633 00663 00663 00663-00664 00664 00665 00918-00919 00958 01010 01013 01112 01185 01293 01488-01489

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	access to the archive or backup may be: (1) for unrelated information; (2) not for the specific personal information requested; (3) for routine testing or testing of disaster recovery protocols; or (4) for purposes of maintenance or recovery.			
481.	This provision is prudent. Businesses should be permitted to delete information from archived or backup systems whenever they are next accessed.	The OAG appreciates this comment of support. No change has been made in response to this comment. However, the OAG has modified the provision in response to other comments. See response #480.	W38-17 W74-28	00154 00534-00535
482.	Requests guidance and clarity as to the definition of an archive or backup system.	No change has been made in response to this comment. "Archived system" and "backup system" are commonly understood terms. The OAG has determined that no further clarification is needed at this time.	W48-10	00222
483.	Requests guidance and clarity on how a business can comply with this provision when the information may be stored in multiple systems.	No change has been made in response to this comment. The CCPA requires a business that receives a verifiable consumer request to delete personal information to delete the consumer's personal information from its records. See Civ. Code § 1798.105(c). The regulation is means to apply to a wide range of factual situations and across industries, and compliance is a fact-specific determination. To the extent the comment raises specific legal questions and seeks legal advice, the comment is irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W48-10 OSac10-4	00222 Sac 47:24-48:24
484.	Delete or modify this provision, or fully exempt archived and back-up systems from consumer deletion requests, because the provision is: (1) beyond the scope of the CCPA; and (2) inconsistent with § 999.313(d)(2)(a), which requires permanent deletion by erasing information on existing systems with the exception of archived or back-up systems.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it allows a business to use consumer personal information stored in archived and back-up systems. Civil Code § 1798.185(b)(2) provides the Attorney General with the authority to adopt regulations as necessary to further the purposes of the CCPA. For the reasons set forth in the ISOR, the OAG has determined that the regulation is necessary to describe how to handle requests to	W61-17 W134-1 W161-12 W168-7 W169-17	00351 01032-01033 01304-01305 01400 01414-01415

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		delete when information is stored on archived or backup systems. ISOR, p. 26. In drafting these regulations, the OAG has considered the interests of consumers with the potentially burdensome costs, and technical feasibility, of deleting information from archived and backup systems that may never be restored to an active system or used for a sale, disclosure, or commercial purpose. Delayed compliance is not inconsistent with § 999.313(d)(2), because that provision exempts archive and back-up systems, which are the subject of § 999.313(d)(3). Archived and back-up systems are not and should not be exempted from a business's deletion requirement, as a business could then negate the consumer's right to delete by using personal information stored in archived or back-up systems.		
485.	Revise the regulation to add that the information may not be used for any purpose pending its deletion.	No change has been made in response to this comment. With respect to active systems, the comment's proposed change is not necessary because the CCPA sets forth instances where a business may lawfully use personal information before it is deleted. See Civ. Code § 1798.145. With respect to archived or backup systems, the comment's proposed change is not necessary because, by their nature and purpose, archived or backup systems are not and should not be active systems from which normal business operations are run. In the event that the archived or backup system is restored to an active system, or is accessed or used for a sale, disclosure, or commercial purpose, the provision requires the business to comply with the consumer's request to delete; inherent in the provision is the prohibition from using the personal information pending its deletion.	W74-28	00534-00535
486.	Revise the provision to include personal information "at an offsite storage location."	No change has been made in response to this comment. The comment's proposed change is not necessary because the provision applies to archived or backup systems no matter where they are located, including "at an offsite storage location."	W113-3 W113-4	00857 00857-00858

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487.	Revise the provision to: (1) exempt personal information located on archived or backup systems or in an offsite storage location that is more than 10 years old at the time of the request; (2) allow a deletion request to expire if a business does not access its archived or backup systems or its offsite storage location within six months of a consumer's request to delete; and (3) require a business to provide notice to consumers of the possibility of expiration of requests for deletion of personal information in archived or backup systems or at an offsite storage location. The burden of locating and deleting these records far outweigh any public benefit.	No change has been made in response to this comment. The CCPA requires a business that receives a verifiable consumer request to delete personal information to delete the consumer's personal information from its records. See Civ. Code § 1798.105(c). The comment's proposed change does not fall within any enumerated exception provided for by the CCPA. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it allows a business to wait out a consumer's request to delete. Archived and back up systems, no matter how old, are not and should not be exempted from a business's deletion requirement, as a business could then negate the consumer's right to delete by using personal information stored in archived or back-up systems.	W113-3 W113-4	00857 00857-00858
488.	Add language found in NY DFS 500.13: "As part of its cybersecurity program, each Covered Entity shall include policies and procedures for the secure disposal on a periodic basis on any Nonpublic Information … that is no longer necessary for business operations or for other legitimate business purposes of the Covered Entity, except where such information is otherwise required to be retained by law or regulation, or where targeted disposal is not reasonably feasible due to the manner in which the information is maintained."	No change has been made in response to this comment. The comment's proposed change is not relevant to the purpose of this regulation. This regulation pertains to a business's obligations in responding to a consumer's request to delete. The proposed language applies a different standard for data retention that is outside of the scope of this regulation.	W129-17 W130-1	01010 01013
489.	Consumers should be afforded a reasonable timeframe in which businesses will fulfill requests for deletion, regardless of how or where the information is stored. The provision should be modified so that a business: (1) may delay compliance for up to 90 days from receipt	No change has been made in response to this comment. The comment's proposed change is not more cost effective to affected private persons and not equally effective in implementing the statutory policy. The provision, as modified, allows a business to delay compliance with the consumer's request to delete, with respect to data stored on the archived or	W178-8	01498-01499

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	of the request; (2) must inform the consumer that the information is stored in an archive or back-up system and will be deleted within 90 days.	backup system, until the archived or backup system relating to that data is restored to an active system or next accessed or used for a sale, disclosure, or commercial purpose. The provision is necessary to describe how to handle requests to delete when information is stored on archived or backup systems. In drafting these regulations, the OAG has considered the interests of consumers with the potentially burdensome costs, and technical feasibility, of deleting information from archived and backup systems that may never be restored to an active system or used for a sale, disclosure, or commercial purpose.		
490.	Insert a provision for archived or backup systems that are not electronic format and/or consists of physical records stored in a third-party facility, or are not readily searchable due to unforeseen circumstances that requires the business to inform the consumer of such and provide written notice at least once every 30 days until the request is fulfilled.	No change has been made in response to this comment. The regulation already addresses the concern raised regarding the form and location of the archived or back-up systems. The comment's other proposed change is not more cost effective to affected private persons and not equally effective in implementing the statutory policy because it imposes a burden and cost on businesses to continually provide the notice and would potentially cause consumers information fatigue from receiving these notices. The provision, as modified, allows a business to delay compliance with the consumer's request to delete, with respect to data stored on the archived or backup system, until the archived or backup system relating to that data is restored to an active system or next accessed or used for a sale, disclosure, or commercial purpose. The provision is necessary to describe how to handle requests to delete when information is stored on archived or backup systems. In drafting these regulations, the OAG has considered the interests of consumers with the potentially burdensome costs, and technical feasibility, of deleting information from archived and backup systems that may never be restored to an active system or used for a sale, disclosure, or commercial purpose.	W178-8	01498-01499
491.	Delete this provision because it affects financial institutions' ability to maintain the necessary	No change has been made in response to this comment. Civil Code § 1798.105(d) already provides a number of exceptions to	W186-11	01550

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	systems in a manner that complies with FDIC/FFIEC/SEC requirements for business continuity planning.	requests to delete, which include complying with a legal obligation. See Civ. Code § 1798.105(d)(8). Civil Code § 1798.145(a) also states that the obligations imposed by the CCPA shall not restrict the business's ability to comply with federal, state, or local laws, among other things. Furthermore, Civil Code § 1798.196 states that the CCPA is intended to supplement federal and state law, if permissible, but shall not apply if such application is preempted by, or in conflict with, federal law of the United States or California Constitution. Otherwise, for the reasons set forth in the ISOR, the OAG has determined that the regulation is necessary to describe how to handle requests to delete when information is stored on archived or backup systems. ISOR, p. 26.		
492.	What does "next accessed or used" mean? If the backup runs nightly, is that "used" or does it refer to when a backup schedule is modified? If the business does not modify the schedule wouldn't that mean the data may never be deleted?	No change was made in response to this comment. The OAG has modified the provision in response to other comments, and thus, this comment is now moot. See response #480. To the extent the comment raises specific legal questions and seeks legal advice regarding the CCPA, the comment is irrelevant to the proposed rulemaking action. The comment should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W203-19 OLA5-5	01669 LA 21:20-21:25
- § 999.313(d)(4)				
493.	Delete this provision because: (1) a business's decision to use one of these methods over the others should not have any impact on the consumer; (2) it provides a roadmap for bad actors; (3) the requirement to specify the manner of deletion is unclear; (4) it may require lengthy descriptions because businesses may use different methods; (5) consumers may be confused regarding whether one method provides a greater level of privacy protection or is	Accept in part. The provision has been deleted. The OAG does not agree with all the reasons provided in the comments, but has made this deletion to address other concerns. See FSOR, § 999.313(d)(4). Given the deletion, these comments are now moot.	W26-4 W42-22 W57-22 W65-5 W70-4 W101-14 W155-9 W186-27 W189-8 W196-10	00074 00185 00307 00403 00502 00742-00743 01214 01555 01584 01629

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	required; and (6) consumers may not care how the information is deleted as long as it is deleted.			
494.	Delete this provision because it exceeds the bounds of the CCPA.	No change has been made in response to this comment. The OAG has deleted this provision in response to other comments, and thus, this comment is now moot. See response #493.	W42-22 W57-22 W61-17 W101-14 W155-9	00185 00307 00351 00742-00743 01214
495.	Revise the provision to allow a business to meet this requirement by referring to the deletion method specified in Section 999.313(d)(2) that was used, or informing consumers that personal information has been deleted or why it has not been deleted. Alternatively, clarify the degree of specificity required to describe the manner in which the business deleted the personal information.	No change has been made in response to this comment. The OAG has deleted the provision in response to other comments, and thus, this comment is now moot. See response #493.	W38-18 W65-6 W112-17 W145-13	00154 00403 00841 01112
496.	Supports the idea of specifying how a business has deleted the information.	The OAG appreciates this comment of support. No change has been made in response to this comment. However, the OAG has deleted this provision in response to other comments. See response #493.	W74-44	00536
497.	What does it mean to specify the manner in which data is deleted? Does the business need to disclose specific systems they use and how they are accessed?	No change has been made in response to this comment. The OAG has deleted this provision in response to other comments, and thus, this comment is now moot. See response #493.	W203-20 OSac5-7 OLA5-6	01669 Sac 38:22-39:3 LA 22:1-22:4
- § 999.313(d)(5)				
498.	References to Civil Code section 1798.105(d) appears to be a mistake because it only lists the exceptions for a business or service provider's obligation to response to a consumer's deletion request.	Accept. The OAG has amended the provision to cite to § 999.317(b).	W131-6	01017-01018

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499.	Revise this provision to allow a business to maintain a record of the request, including a suppression record.	Accept in part. The OAG has amended the provision to cite to § 999.317(b), and to state that a business may retain a record of the request to delete for the purpose of ensuring that the consumer's personal information remains deleted from the businesses' records. Also, § 999.317(b)-(f) set forth the records a business shall maintain.	W160-12 W166-5 W196-4 OSF22-2	01294 01384 01627-01628 SF 78:7-78:14
500.	Clarify what this record would look like. Is it metadata around the request or is it a record of the actual retained personal information?	Accept in part. The OAG has amended the provision to cite to § 999.317 (b). Sections 999.317(b)-(f) set forth the records a business shall maintain.	W160-8	01293
501.	Delete this provision or revise it to not require a business to disclose to the consumer that it will maintain a record of the request, or provide sample language. This provision is: (1) not required by the CCPA because the CCPA does not include a mandate to maintain records of requests to delete or disclose to consumers that they maintain requests of delete; (2) is unclear how these requests are supposed to be maintained, especially if consumer data is deleted and so the request cannot be linked to a consumer record; and (3) not onerous, but simply adds information that is unlikely to be interesting or helpful to the consumer.	No change has been made in response to this comment. Civil Code § 1798.185(b)(2) provides the Attorney General with the authority to adopt regulations as necessary to further the purposes of the CCPA. As explained in the ISOR, the OAG determined that the regulations pertaining to record-keeping were necessary to clarify what information should be retained to demonstrate compliance. See ISOR, pp. 26-27. The requirement to disclose that the business will maintain a record of the request is necessary because the public expressed confusion regarding how to balance the need to prove compliance with consumer requests to delete personal information. ISOR, p. 27. The regulation is necessary to provide consumers with greater transparency about the business's practices in deleting personal information. ISOR, p. 20. Sections 999.317(b)-(f) set forth the records a business shall maintain. No sample template has been provided at this time. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law.	W101-15 W196-11 OSac5-8	00743 01629 Sac 39:4-39:11
502.	Revise this provision to allow a business to maintain a record of the request for other	No change has been made in response to this comment. The comment's proposed change to allow businesses to use the record for other purposes is overly broad, such that businesses	W196-4	01627-01628

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	purposes solely to the extent permissible by the CCPA.	could use this language in a manner that would not further the purpose and intent of the CCPA.		
-	**§ 999.313(d)(6) generally**			
503.	Comments interpret this provision broadly, in conjunction with all the exceptions in Civil Code §§ 1798.105(d) and 1798.145 to: (1) adequately support the State's public utilities' ability to decline consumer deletion requests based on CPUC regulatory activities, including CPUC orders that require or authorize a utility to collective, utilize, or share customer data; and (2) preserve the CPUC's existing data and privacy rules as they pertain to the utilities' collection, maintenance, and provision of customer data for established purposes.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change these regulations.	W36-1 W36-3	00136-00137 00139
504.	Delete this provision because a business is simply not required to comply with the law if an exemption applies, and therefore it is not a "denial."	No change has been made in response to this comment. The comment's interpretation of the CCPA is inconsistent with the language, structure, and intent of the CCPA. There is a difference between a business that is exempt from the CCPA and a business that must comply with the CCPA but may not be obligated to comply with a consumer's request. A business that is exempt from the CCPA is not obligated to comply with CCPA or the regulations. See Civ. Code § 1798.145(c). A business that is required to comply with the CCPA must comply with the CCPA and its regulations even if the business may not always be obligated to comply with a consumer's request. Compare, *e.g.*, Civ. Code §§ 1798.105(b), 1798.130(a)(5) with Civ. Code § 1798.105(d). Moreover, Civil Code § 1798.145(i)(2) specifically requires a business that does not take action on a request to inform the consumer, without delay, and at least within the time period permitted, of the reasons for not taking action and any rights the consumer may have to appeal the decision to the business. Similar to the CCPA, the regulation requires a business	W145-10 W145-14 W150-9 W190-28	01111 01113 01174 01598

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		to act even when a business is not required to comply with the consumer's request.		
505.	Delete this provision because it exceeds the bounds of the CCPA.	No change has been made in response to this comment. Civil Code § 1798.185(b)(2) provides the Attorney General with the authority to adopt regulations as necessary to further the purposes of the CCPA. The CCPA states that a business that receives a verifiable consumer request from a consumer to delete the consumer's personal information shall delete the consumer's personal information from its records, and sets forth when a business or a service provider shall not be required to comply with a consumer's request. Civ. Code §§ 1798.105(c), (d). Thus, § 999.313(d)(6)(b) clearly requires a business to delete personal information that is not subject to the exception. A business that does not comply with a consumer's request to delete, even if pursuant to Civil Code § 1798.105(d), has denied the consumer's request. Thus, § 999.313(d)(6)(a) requires a business to inform the consumer when it does not comply and describe the basis for the denial.	W42-23 W88-27 W88-28 W103-13 W106-3 W123-3 W129-18 W130-1 W145-10 W145-14 W190-28	00185 00633 00633-00634 00780 00795 00955 01010 01013 01111 01113 01598
506.	Delete this provision, or revise it to permit businesses to use information for exceptions or permitted uses not specifically disclosed in the denial, because it is confusing and problematic and burdensome to implement. It has little to no benefit to either companies or consumers and a business may have multiple exceptions for use even if not all of the exceptions are disclosed to the consumer (that is, if the business refuses to delete based on a legal reason, does this mean that the business cannot use it for other purposes, including other exceptions).	No change has been made in response to this comment. Section 999.313(b)(c) is reasonably clear: the business should not use the consumer's personal information retained for any other purpose than that provided by for by that exception since that exception is the reason the business was not required to comply with the consumer's request. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. For each consumer's request to delete, a business must determine whether to comply with that consumer's request and if not, the basis to deny the consumer's request. As a result, the business has the basis for denying the consumer's request to delete. The provision thus merely requires a business to disclose information already in the business's possession and to comply with its determination regarding the bases for the denial. As set forth in the ISOR, the regulation is necessary to provide	W42-23 W61-16 W70-4 W88-28 W103-13 W106-3 W112-8 W123-3 W129-18 W130-1	00185 00351 00501 00633-00634 00780 00795 00835 00955 01010 01013

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		consumers transparency into the business's practices and prevent businesses from using statutory or regulatory exceptions to retain data for their own purposes in derogation of the consumer's request. ISOR, p. 20. To the extent a business has multiple exceptions for use, the business should inform the consumer of all such exceptions unless prohibited from doing so by law.		
- **§ 999.313(d)(6)(a)**				
507.	Revise this provision to use the same phrase "conflict with federal or state law, or an exception to the CCPA" used in Section 999.313(c)(5).	Accept. The regulation has been modified to include that language.	W176-3	01471-01472
508.	Revise § 999.313(d)(6)(a) so that the requirement to disclose the basis for denial does not apply in situtations where compliance may not be feasible, such as where the denial is related to a law enforcement investigation or to exercise or defend a legal claim.	Accept in part. The regulation has been modified to clarify that the business shall describe the basis for the denial, including any conflict with federal or state law, or exception to the CCPA, unless prohibited from doing so by law.	W147-8 W148-10 W150-7 W155-11 W162-33 W186-27 W190-28	01127-01128 01151-01152 01174 01215 01342 01555 01598
509.	This provision imposes a significant administrative burden and cost on businesses. Modify the provision to allow a business to: (1) refer the consumer to its privacy policy, if the bases for denial are set forth in its privacy policy; (2) provide a more general statement of denial or disclosure of information; or (3) provide accurate, general information about why the business may have denied the request.	No change has been made in response to this comment. The comment's proposed change is not more cost-effective to affected private persons and not equally effective in implementing the statutory policy because it would not provide a sufficient level of transparency. For the reasons set forth in the ISOR, this regulation provides consumers transparency into the business's practices. ISOR, p. 20. The OAG's discussion regarding § 999.313(c)(5) can also be applied here; that provision is necessary because it provides direction to businesses on what to communicate to consumers when they deny a request on these grounds. ISOR, p. 18. This benefits consumers by giving them greater transparency concerning the business's process for handling their request, and provides them with a potential basis for contesting the denial. ISOR, p. 18. The provision also	W69-15 W112-8 W123-13 W147-8 W148-10 W150-7 W150-9 W155-11 W186-27	00449, 00483 00835 00958 01127-01128 01151-01152 01174 01174 01215 01555

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		prevents businesses from treating consumers' requests in an all-or-nothing fashion. ISOR, p. 18. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. For each consumer's request to delete, a business must determine whether to comply with that consumer's request and if not, the basis to deny the consumer's request. As a result, the business has the basis for denying the consumer's request to delete. The provision thus merely requires a business to disclose information already in the business's possession.		
510.	Delete § 999.313(d)(6)(a) because: (1) if a consumer believes a denial is inappropriate, there are administrative avenues for them to raise their concerns; and (2) if a business does not comply with the law, there are appropriate regulatory enforcement mechanisms.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The regulation provides consumers transparency into the business's practices. ISOR, p. 20. Unless a business provides this information, neither the consumer or the OAG will be able to assess whether a denial is appropriate, and both may unnecessarily go through administrative avenues to make this assessment.	W129-18 W130-1	01010 01013
511.	Delete the phrase "and explain the basis for the denial, including any statutory and regulatory exception therefor."	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it does not provide as much transparency to consumers. The OAG's discussion regarding to § 999.313(c)(5) can also be applied here. For the reasons set forth in the ISOR related to § 999.313(c)(5), the OAG has determined that this provision is necessary because it provides direction to businesses on what to communicate to consumers when they deny a request on these grounds. ISOR, p. 18. This benefits consumers by giving them greater transparency concerning the business's process for handling their request, and provides them with a potential basis for contesting the denial. ISOR, p. 18. It also prevents businesses from treating consumers' requests in an all-or-nothing fashion. ISOR, p. 18.	W162-33	01342

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- § 999.313(d)(6)(c)				
512.	Modify Section 999.313(6)(c) to insert "or any other exception pursuant to the CCPA."	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it does not provide as much transparency to consumers regarding all the bases for the business not complying with the consumer's request. For the reasons set forth in the ISOR, the regulation provides consumers transparency into the business's practices and prevents businesses from using statutory or regulatory exceptions to retain data for their own purposes in derogation of the consumer's request. ISOR, p. 20. To the extent a business has multiple exceptions for use, including "any other exception pursuant to the CCPA," the business should inform the consumer of all such exceptions unless prohibited from doing so by law.	W69-46 W123-13	00485 00958
513.	This provision effectively institutes a processing limitation for some for the personal information that must be maintained and raises substantial operational challenges in the short-term.	No change has been made in response to this comment. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. The comment does not propose any amendments to the proposed regulations that are less burdensome but as effective in implementing the transparency requirements in the CCPA.	W147-8	01127-01128
- § 999.313(d)(7)				
514.	Revise provision to provide that "the choice is not designed to coerce consumers into deleting only a portion of their information."	No change has been made in response to this comment. The provision already addresses the concern raised because the provision requires the global option to delete to be more prominently presented than the other choices. The provision provides choices to consumers regarding the deletion of personal information, but also prevents businesses from obfuscating or deemphasizing a global option to delete. ISOR, p. 19.	W74-29	00535
515.	Further clarify that consumers have the right to ask a business to delete some, but not all, of their data, in the very first request (not in	No change has been made in response to this comment. The comment's propose change is not more effective in carrying out the purpose and intent of the CCPA in that it is not necessary for	W95-1 W95-4	00681 00682

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	response to a business's reply to that request as suggested in this provision, and provide a standardized format for this request to be performed.	the OAG to state whether consumers may ask a business to delete some, but not all of their data in the very first request. This provision responds to public comments raised during the Attorney General's preliminary rulemaking activities about the benefits of providing choices to consumers regarding the deletion of personal information, but also prevents businesses from obfuscating or deemphasizing a global option to delete. ISOR, pp. 20-21.		
§ 999.314. Service Providers				
- Comments generally about Service Providers				
516.	Civil Code § 1798.140(v) and (w) create two types of parties that process personal information under a contract with a business: "service providers" and persons who are not "third parties." While similar, each has different rights and obligations, creating confusion in the marketplace as to what contractual terms are required. Comments request clarification that service providers need not be characterized as exempt third parties.	No change was made in response to this comment. It is not necessary because the two different definitions serve related, but different purposes. The definition of service provider in Civil Code § 1798.140(v) establishes a role and requirements for sole proprietorships and corporate entities in which the transfer of information from a business to them is not deemed a sale. Relatedly, Civil Code § 1798.140(w)(2)(a) excludes from the definition of sale transfers to persons who meet the requirements in that subsection. If an entity qualifies as a service provider, it need not also attempt to qualify as a non-third party person under subsection (w)(2)(a).	W27-4 W142-4	00090-00091 01089
517.	Sale is defined too broadly and exceptions for sharing data with service providers are too narrow, which will cause unintended consequences, especially on startups and other small businesses that routinely have to rely on service providers for business needs.	No change was made in response to this comment. The definition of sale and the service provider are clearly set forth in the CCPA. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W124-3	00961-00962
518.	The regulations should add service providers to the list of parties who may seek advice from OAG under Civil Code § 1798.155(a).	No change was made in response to this comment. Civil Code § 1798.155(a) only specifies that a "business" or "third party" may seek the opinion of the Attorney General for guidance on how to comply with the CCPA. Expanding the scope of who can seek advice from the Attorney General may be inconsistent with	W142-5	01089

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		the CCPA. The OAG has made every effort to engage the public in promulgating these regulations, which provide guidance on how to comply with the CCPA. Service providers have been afforded the same opportunities to submit comments regarding the proposed regulations, including during pre-rulemaking activities.		
519.	Modify regulations to prevent service providers from using a consumer's personal information "for secondary purposes." Such service providers should not "add data about the consumer to any profile that may be used to tailor advertising to that consumer on a different, unrelated website." This is in line with the CCPA and consumers' expectations.	Accept in part. Section 999.314(c) was modified to prohibit service providers from using, retaining, and disclosing personal information outside of directly providing services to the business that has the direct relationship to the consumer. See FSOR, § 999.314(c). Under this subsection, service providers are prohibited from creating or adding to consumer profiles for use with a different business than the one that collected (or directed the collection of) the personal information. The comment, however, mentions that ads should not be shown on other websites, but such a limitation would violate the CCPA and/or is unnecessary. The CCPA allows a service provider to furnish advertising services to the business that collected personal information from the consumer, and such ads may be shown to the same consumer on behalf of the same business on any website. See Civ. Code § 1798.140(d)(5). Prohibiting a service provider from placing such ads is also unnecessary because the CCPA would not prohibit the business's own marketing department from placing the same ads itself. This provision of advertising services, however, does not relieve the service provider from its obligation to not share the personal information of the consumer with third parties and does not allow the service provider to use the personal information to provide advertising services to other businesses.	W16-1	00034-00035
520.	Tighten the business purpose exemption for service providers. Regulations should state that a business's sharing personal information with a service provider in spite of an opt-out instruction	No change has been made in response to this comment. The OAG has not addressed this issue at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the	W174-4 OSac7-2 Osac7-7	01437, 01440-01441 Sac 29:21-29:23 Sac 31:9-31:18

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	must be reasonably constrained and proportionate and subject to reasonable retention requirements, or to address companies that serve ads. Facebook has given companies like Microsoft, Amazon, and Spotify extensive access to consumer data under the guise of a "service provider" relationship.	immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.		
521.	The regulations should clarify the obligations owed by service providers that do not meet the statutory definition of a business. Do the regulations regarding providing notices, maintaining reasonable security measures, verification, and procedures of requests apply to service providers?	Accept in part. The proposed regulations were modified to clarify that a service provider receiving a request to know or delete from a consumer can either act on behalf of the business in responding to the request or inform the consumer that the request cannot be acted upon. See § 999.314(e). Section 999.314(d) provides that a service provider shall not sell data on behalf of a business when a consumer has opt-ed out of the sale of their personal information with the business. The CCPA specifies other obligations that a service provider must comply with. See Civ. Code §§ 1798.105(c), 1798.140(t)(2)(C), 1798.140(v), 1798.145(j), 1798.155(b). With regard to any specific legal questions, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns because the service provider's obligations may be fact-specific.	W149-3	01166-01167
522.	The comment requests additional clarification how a sub-contracted service provider complies with the CCPA, including processing a request to delete received from a business that had provided the personal information.	Accept in part. Section 999.314(c)(2) allows service providers to retain and employ service providers, as long as the subcontracting service provider "meets the requirements under the CCPA and these regulations." No further change is necessary because the CCPA imposes appropriate liability and the parties can resolve questions of notification by contract. Civil Code §§ 1798.105(c) and (d) mandates that the business that receives a verified request to delete "direct any service providers to delete the consumer's personal information" and provides the circumstances when a service provider need not comply with such a request. Because service providers must have a contract	W176-4	01472

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		with those to whom they are providing services, how services providers, including subcontractors, are notified may be adequately handled by the parties' contracts.		
523.	Package shippers should not be deemed service providers. The regulations should clarify that CCPA § 1798.140(t)(2)(A) applies to shipping information and thus a retailer transferring shipping information to a shipper is not a sale of information.	No change has been made in response to this comment. To the extent applicable, Civil Code § 1798.140(t)(2)(A) states that a business does not sell personal information when a consumer directs the business to intentionally interact with a third party, provided the third party does not also sell the personal information. Additional clarification is not necessary because whether the consumer has directed the business to provide the information to the package shipper and whether the shipper further sells that personal information is a fact-specific determination. The comment also has not demonstrated that a wholesale exemption for the package shipping industry is necessary to effectuate the purpose of the CCPA.	W9-1 W9-2	00017-00019 00017, 00019-00022
524.	The comment requests that the proposed regulations clarify that transferring personal information to service providers is not a "sale."	No change has been made in response to this comment. Civ. Code § 1798.140(t)(2) states that a business does not sell personal information when the business uses or shares with a service provider personal information of a consumer that is necessary to perform a business purpose as long as certain conditions are met. Civ. Code § 1798.140(v) sets forth the requirements of a "service provider." The OAG does not believe any clarification is necessary.	W68-6 W103-6 W131-4	00422 00778 01016-01017
525.	The regulations should clarify that businesses do not have to use specific contractual language as long as the contract conveys what is required by law with regard to business arrangements between businesses and service providers.	No change has been made in response to this comment. The OAG does not believe it is necessary to provide this clarification because neither the CCPA, nor the regulations, specify any mandatory contract language.	W162-38	01345
- **§ 999.314(a)**				
526.	The proposed regulations improperly expand the definition of service providers to include persons and entities that provide services to non-	Accept in part. The proposed regulation was modified so that only businesses, otherwise subject to the CCPA, will be deemed to be a service provider under the applicable circumstances. This	W58-1 W76-3 W135-3	00311-00312 00541-00542 01041-01042,

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	businesses. It creates confusion and raises questions regarding whether a service provider for a non-business must provide notices required by the CCPA or facilitate requests to know or requests to delete for the non-business.	modification reduces the regulatory obligations and avoids unintended consequences for such persons and entities that provide services to non-businesses, including potential liability for failing to respond to consumer requests when the non-business that provided the personal information would have had no duty under the CCPA to disclose or delete the information. This modification does not create an obligation for the service provider to provide any notices required by the CCPA or facilitate any requests to know or requests to delete on behalf of a non-business. See FSOR, § 999.314(a).	W142-2 W148-13 W155-12 W162-39	01047-01048 01087 01154 01215 01346
527.	Modify subsection (a) to only permit service providers to service non-businesses "in specific, enumerated circumstances." The comment does not provide a suggested list. Data brokers may claim that they collect information from broad swathes of consumers "at the direction" of the government, which exempts them from the CCPA. This would be detrimental to consumers' privacy.	No change has been made in response to this comment. Civil Code § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. The proposed regulation is consistent with the text, structure, and intent of the CCPA, which by its terms applies to businesses and not non-profit or public entities. Compare Civ. Code. § 1798(c) with Gen. Data. Prot. Reg., E.U. 2016/679, art. 4, ¶ 7. Additionally, the CCPA regulates a business's collection and disclosure of personal information, but not internal use of that information for business purposes. The CCPA also allows a business to employ a service provider to accomplish those business purposes as if the business had performed the services internally. Despite these rules, the CCPA created an unintended result in that service providers to non-businesses may have been treated as a regulated business, subjected to the full panoply of CCPA obligations unlike either a non-business or service provider to a business. To address this problem, the OAG drafted this subsection to impose the CCPA's and proposed regulations' obligations for service providers on those providing services to non-businesses. Treating a "non-business service provider" as a business would not support the purpose and intent of CCPA, as it would expose otherwise exempt personal information to access and deletion requests or	W174-37 OSF9-7	01438, 01454 SF 41:18-41:21

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		force service providers to create unique, burdensome systems for compliance. Furthermore, no change is necessary because the concern expressed by the comment appears to be hypothetical and does not account for the CCPA's and regulations' requirements and limitations imposed on service providers. The comment does not propose any specific enumerated exceptions, to which the OAG could include in proposed regulations, and the numerous ways in which government entities employ service providers may make crafting such a list extremely difficult. In light of the difficulty in creating customized exceptions, and the unsubstantiated risk to consumer privacy, the OAG has exercised its discretion to interpret the CCPA's provisions relating to service providers to include those that provide services to government entities, who themselves are broadly exempt from the CCPA and would be exempt from complying if performing the exact same services internally.		
528.	An organization that qualifies as a "business" under the CCPA should not "escape the reach of the CCPA" when it processes information on behalf of a government agency, and like other businesses, should be required to comply with consumer requests under the CCPA. There is no statutory basis for the wholesale exemption created in this regulation and is inconsistent with the intent of the law, which is to enable consumers to learn what information businesses have collected about them, regardless of the source.	No change has been made in response to this comment. The comment notes that the intent of the CCPA is to allow consumers to know what information businesses have collected about them, but the CCPA explicitly does not include allowing consumers to learn of or delete personal information that public entities have collected. See Civ. Code § 1798.140(c) (definition of business). California law has a separate and distinct legal regime to access information held by public entities, including requirements and exceptions that differ from the CCPA. See, *e.g.*, Gov. Code § 6250 *et seq*. California law does not provide a right to delete information held by a public entity. Accordingly, the OAG has exercised its discretion to interpret the CCPA's provisions relating to service providers to treat those providing services to public entities as "service providers." Without this interpretation, public entities may not be able to employ service providers, which would either stifle the provision of government	W74-14 OSF11-6	00530 SF 47:22-48:14

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		services or incur unnecessary public expense to perform operations internally—echoing concerns that animated the creation of the service provider role for businesses under the CCPA. A business that qualifies as a service provider does not "escape the reach of the CCPA," because the business must have a contract with a non-profit or public entity that restricts any secondary retention or use of personal information outside of providing services to the specific government entity that directed the collection of personal information on its behalf. Similarly, the regulations expressly impose limitations on the retention and use of such personal information. In many circumstances, the restrictions imposed by the CCPA and regulations on service providers provide greater protections to consumers than if such entities were merely businesses. The comment's objection also fails to note the numerous unintended consequences that can result from allowing consumers to exercise CCPA rights regarding information that is maintained by a service provider on behalf of a public entity. See also response #527.		
529.	Supports § 999.314(a), which makes it clear that a person or entity qualifies as a service provider if it provides services to a person or organization that is not a business and would otherwise meet the requirements of a service provider under the CCPA. With this clarification, businesses that provide services to schools or other government agencies, will be subject to the CCPA's service provider requirements.	The OAG appreciates this comment of support. No change has been made in response to this comment, which concurred with the proposed regulations. In response to other comments, § 999.314(a) has been modified so that only businesses, otherwise subject to CCPA, will be deemed to be a service provider under the applicable circumstances. See response #526; FSOR, § 999.314(a).	W103-6 W115-6 W115-54 W184-1	00778 00875 00894 01531-01532
530.	Proposed regulations § 999.314(a) and (b) "are ambiguous."	Accept in part. The proposed regulations were modified in response to other comments to clarify that only entities that would otherwise be subject to CCPA as a business will be deemed to be a service provider under the applicable circumstances. Additionally, the regulations were modified in	W61-18	00351

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		response to other comments to address a specific identified ambiguity. See response #526. The OAG has determined that no further clarification is needed at this time.No other comments have raised similar concerns about these subparagraphs and so there is not substantial evidence of a need for further clarification.		
531.	The comment recommends that § 999.314(a) be rewritten to provide that "To the extent that a person or entity provides services to a person or organization that is not a business, no obligations under CCPA shall apply to such person or entity."	No change has been made in response to this comment. The suggested language is overly broad. The service provider may have separate obligations under the CCPA because it may also be a business. The regulation was modified in response to other comments so that only businesses, otherwise subject to CCPA, will be deemed to be a service provider under the applicable circumstances. To the extent that the business is servicing a non-business, this regulation substantially reduces the burden and unintended consequences to the business providing services to a non-business.	W150-10 W190-29	01174-01175 01598
- **§ 999.314(b)**				
532.	The proposed regulation is missing a subject in one clause of the sentence, potentially causing ambiguity.	Accept. The sentence was modified to remove the identified ambiguity, as well as respond to other comments.	W125-15	00973
533.	Section 999.314(b) may abolish the distinction between a "contractor," as defined by Civil Code § 1798.140(w)(2), and a service provider.	Accept in part. The proposed regulation was modified so that only businesses that would otherwise be subject to CCPA will be deemed to be a service provider under the applicable circumstances.	W74-15	00530-00531
534.	The regulations should clarify that an entity that directly collects information from the consumer on a business's behalf may be a service provider.	Accept in part. The regulation has been modified to clarify that a business that is directed by another business to collect personal information on its behalf is a service provider, if it would otherwise meet the requirements and obligations of a service provider under the CCPA and the regulations.	W115-55	00894-00895
535.	The comment requests the OAG create a certification form to avoid any confusion with current vendor or service provider contracts that	No change was made in response to this comment. The comment does not provide sufficient justification that a certification form from the OAG is necessary. The CCPA and the	W171-7	01424

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	do not meet the requirements for a service provider.	regulations set forth the requirements for a service provider. See Civ. Code § 1798.140(v); § 999.314. The contracting parties can determine the necessary provisions for classification within their vendor and service provider contracts based on the CCPA and the regulations.		
536.	Asserts that § 999.314(b) implies testing services are considered service providers.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change these regulations.	W115-54	00894
- **§ 999.314(c)**				
537.	Supports regulation that allows service providers to combine personal information to detect security incidents and combat fraud.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the propose regulations, so no further response is required.	W82-4 W85-1	00581-00582 00592
538.	Service providers should be allowed to use personal information for other exempt purposes under Civil Code § 1798.145, such as to execise or defend legal claims.	Accept. Section 999.314(c) has been modified to allow service providers to use personal information for the purposes enumerated in Civil Code § 1798.145(a)(1) through (4).	W120-17 W198-2 OSF4-2	00934-0935 01638-01639 SF 21:17-22:24
539.	The exemption in Civil Code § 1798.145(b) regarding evidentiary privilege should extend to service providers.	No change has been made in response to this comment because it is not necessary. This subsection already prohibits a service provider from disclosing any personal information to a third party, unless directed by a business, regardless of whether that information is privileged. Additionally, § 999.314(e) prohibits service providers from responding to a request to know, unless responding on behalf of the business, thus preserving any privilege. Finally, § 999.314(c)(5) allows service providers to use and disclose personal information to "exercise or defend legal claims," (by referencing Civil Code § 1798.145(a)(1)-(4)), which implicitly includes privileged communications with attorneys.	W198-3	01638-01639
540.	The regulation may prohibit service providers from employing sub-contractors as service providers.	Accept in part. The proposed regulations have been modified to allow for subcontracting when the subcontractor also meets the requirements to be a service provider.	W88-29	00634

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541.	Service providers should be allowed to use personal information to build or improve their services, even if it benefits a different business. The CCPA explicitly permits disclosures to service providers for a broad list of "business purposes," which includes a service provider's "operational purposes" and for providing the services specified in the contract with the business. Restricting the combining of data solely to the extent necessary to detect data security incidents and to protect against fraudulent or illegal activity is overly restrictive, exceeds statutory authority, and is contrary to the definition of "service provider," "business purpose," and "sale." Service providers should be able to combine data for legitimate business purposes or when directed by the business to do so, such as through contractual terms.	Accept in part. The regulation has been modified to allow service providers to use the personal information in compliance with the written contract for services required by the CCPA and to build and improve the quality of its services under certain circumstances. The modified regulation prevents a service provider from acquiring personal information for their own commercial purposes, including building consumer profiles and updating personal information acquired from another source. This strikes the appropriate balance between enabling the provision of services and protecting consumers' rights under the CCPA, and is in accord with the plain text, structure, and intent of the CCPA, including § 1798.140(v)'s limitation on service providers using personal information for their own commercial purposes. Civil Code § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. As stated in the ISOR and FSOR, this exception is consistent with the purposes of the CCPA and with similar exceptions in other California privacy and consumer protection laws. ISOR, p. 22; FSOR, § 999.314(c).	W9-2 W54-9 W60-21 W66-1 W66-2 W69-17 W73-13 W86-3 W88-29 W89-2 W97-4 W98-6 W101-16 W112-29 W112-30 W114-7 W123-13 W124-10 W142-3 W147-10 W148-12 W150-11 W154-3 W155-13 W156-2 W161-15 W162-36 W165-2 W165-3 W168-4 W176-5 W187-1	00017, 00019-00022 00263-00264 00331 00407 00407 00450-00451 00520 00609-00610 00634 00640-00641 00696 00722 00743-00744 00850 00850 00866-00867 00958 00964-00965 01087-01089 01129-01130 01153-01154 01175 01203 01216 01228-01229 01305-01306 01343-01345 01370-01371 01371 01398-01399 01472-01473 01563-01564

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			W190-30 W190-31 W199-8 W204-3 W206-14 OSac3-4 OLA8-2 OLA12-5 OLA19-1 OSF4-1 OSF6-1	01598-01600 01600 01648 01674 01698-01700 Sac 15:10-15:19 LA 27:25-27:13 LA 44:8-44:21 LA 59:3-59:19 SF 20:1-21:16 SF 28:14-32:17
542.	Section 999.314(c) is incongruous with the definition of "personal information," which explicitly excludes aggregate consumer information. The proposed regulation should allow all internal uses of aggregate data.	No change has been made in response to this comment. Section 999.314(c) is not inconsistent with the definition of personal information. The regulation specifically uses the term "personal information," which is defined to exclude deidentified or aggregate consumer information. See Civ. Code § 1798.140(o)(3).	W186-36	01558-01559
543.	The regulations should clarify that a business that also acts as a service provider cannot use information obtained through that channel on its own behalf as a business.	No change has been made in response to this comment. In response to other comments, the regulation has been modified to limit how service providers can retain, use, and share personal information, including generally limiting such use to providing services. See § 999.314(c). This strikes the appropriate balance between enabling the provision of services and protecting consumers' rights under the CCPA and is in accord with the plain text, structure, and intent of the CCPA, including § 1798.140(v)'s limitation on service providers using personal information for their own commercial purposes. See FSOR, § 999.314(c).	W74-16	00531
544.	The comment requests confirmation that its interpretation of the statute is correct and that "Google and Adobe Analytics would be considered service providers…and the sharing of personal information [with them] would not be considered a sale of personal information."	No change has been made in response to this comment. The comment raises specific legal questions that require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W108-11	819

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545.	The regulations should clarify that businesses may collectively engage service providers to conduct operational activities pursuant to a common business purpose.	Accept in part. The regulation has been modified to to remove the language expressly prohibiting service providers from combining personal information from multiple sources. The CCPA and proposed regulations specify the circumstances under which service providers can retain, use, and disclose personal information provided by a business pursuant to a business purpose and in the context of a contractual relationship. To the extent that the comment proposes that collective employment of a service provider is permissible, no change has been made in response to this comment. Such a blanket exception may sweep too broadly and be exploited to thwart the intent of the CCPA. The OAG's proposed regulation instead strikes an appropriate balance between enabling the provision of services and protecting consumers' rights under the CCPA. The proposed regulation is also in accord with the plain text, structure, and intent of the CCPA's provisions relating to service providers, who are limited in using personal information for commercial purposes under Civil Code § 1798.140(v).	W161-17	01307
546.	Comment claims that the regulation's restriction on what personal information can be used to provide services to another entity frustrates the nature and purpose of the tripartite relationship between a law firm, its client – the insured, and the client's insurance carrier. The regulation would seemingly prohibit the law firm from sharing information provided by the carrier with experts and consultants necessary to defend the insured.	No change has been made in response to this comment. In response to other comments, the regulation has been modified to remove the express prohibition against using personal information received from one business to provide services to another. See responses #538, 540, 541. Section 999.314(c) allows the use and disclosure of personal information on behalf of the business to provide the services specified in the written contract. Further, Civil Code § 1798.140(t)(2)(A) excludes from the definition of sale any disclosure from a business to a third party at a consumer's direction or as a result of intentional interactions. The OAG disagrees with the comment's suggestion that the CCPA forces an insurance company to restrict a law firm in charge of defending the insured from using any information provided to it for the benefit of the insured.	W198-1	01637-01638

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547.	Comment supports the regulation's prohibition on using personal information collected by a service provider for the purpose of providing a service to another person or entity. Service providers should not use personal information for their own commercial purposes beyond providing the services.	The OAG appreciates this comment of support. In response to other comments, the regulation has been modified to limit how service providers can retain, use, and share personal information (see responses #538, 540, 541; FSOR, § 999.314(c)); however, it still generally prohibits the use of personal information for their own commercial purposes outside of providing services.	W174-38	01454
548.	The exception in § 999.314(c) for combining data to combat illegal activity may be abused.	No change was made in response to this comment. In drafting these regulations, the OAG has considered both the risks to consumers from potential abuse and risks to consumers from illegal activity, including identity theft. After careful consideration, the risks to consumers from illegal or fraudulent activity appear to outweigh the risks that the regulation will be abused as outlined in the comment, given the high prevalence of illegal and fraudulent activity and the low likelihood that businesses will act as the comment warns.	W174-39	01455
549.	The comment suggests that the OAG clarify whether the permissible combining of personal information is "merely a separate data-matching or validation effort, rather than actual combination of data which suggests co-mingling of accounts and data in physically or logically separated systems of record across business clients."	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. Moreover, modifying the regulation to permit specific ways in which businesses may combine personal information would add complexity to the rules without providing identifiable benefits. The regulation has been revised to remove mentions of combining personal information. See FSOR, § 999.314(c)(4).	W137-3	01057
550.	In analyzing the proposed restrictions on service providers, particularly § 999.314(c), the SRIA was entirely silent and thus fails to consider how some California service providers may be eliminated or put at a competitive disadvantage as required by the California Administrative Procedure Act.	No change has been made in response to this comment. The regulation has been modified, and thus, this comment is moot. See FSOR, § 999.314(c).	W161-16	01306

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- **§ 999.314(d)**				
551.	The proposed regulation should eliminate or clarify how service providers must respond to individual consumers when it receives a request to know or request to delete from a consumer regarding personal information that the service provider collects, retains, or processes on behalf of the business it services.	Accept. The regulation has been modified to allow service providers that receive consumer requests to either act on behalf of the business in responding to the request or inform consumers that the request cannot be acted upon because the request has been sent to a service provider. See § 999.314(e).	W60-20 W62-5 W66-3 W69-18 W73-14 W74-17 W76-4 W85-2 W85-3 W88-30 W89-3 W114-8 W115-55 W115-56 W117-9 W119-8 W119-9 W123-13 W129-19 W130-1 W147-11 W155-14 W162-37 W176-6 W184-7 W188-6 W190-32 W196-18 W203-21 OSac5-10	00330-00331 00362-00363 00408, 00412-00413 00451-00452 00520-00521 00531 00542 00592 00592 00634 00641-00642 00866-00867 00894-00895 00894 00919 00927 00927 00958 01010 01013 01130-01131 01208, 01216-01217 01345 01473 01537-01539 01573 01600-01601 01631-01632 01669 Sac 40:2-40:11

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			OSac5-11	Sac 40:12-41:9
552.	The regulations should clarify how service providers should process directions from a business to delete personal information it collects, retains, or processes on behalf of the business. The regulations are silent as to whether the service provider must independently verify the request or delete only the information that was sent by the business that is now directing the deletion, which leads to confusion.	No change has been made in response to this comment. The CCPA and proposed regulations are reasonably clear that service providers act at the direction of a business when a consumer submits a request to delete either to the business or to the service provider directly. See Civ. Code §S 1798.105(c) 1798.140(w); § 999.314(e). Modifying the regulations to include a specific directive on how a service provider should process directions from a business would add complexity to the rules without providing identifiable benefits. The business and service provider can resolve any ambiguity by the contract required between the parties. The regulations impose verification on businesses (see §§ 999.323-999.325), not service providers, and further modification would lead to greater confusion, as the comment also notes.	W133-9 W178-7	01030 01498
553.	The comment supports that service providers must provide an explanation for denying any request by consumers to know or delete.	No change has been made in response to this comment. The OAG has revised the provision in response to other comments, the great weight of which expressed concerns about service providers handling request to know or delete better directed at the business with a direct consumer relationship with the consumer. The proposed regulation still requires service providers to give some explanation to consumers, ensuring consumers learn the status of their request.	W174-40	1455
- § 999.314(e)				
554.	Comment claims that the regulation is inappropriately vague as to identifying the scope of roles a business may legitimately play as a service provider. Requests additional clarity acknowledging the broad scope of services related to an underlying business agreement that should be allowed.	No change made in response to this comment. The CCPA and proposed regulations address when a business will be deemed a service provider, including the scope of services it can provide. See Civ. Code § 1798.140(d), (f), (v); § 999.314. This regulation clarifies what a business's obligations are with regard to personal information collected as a business as opposed to in its role as a service provider. With respect to what scope of services a business agreement should allow, the comment raises specific legal questions and seeks legal advice regarding the CCPA and is	W115-57	00895

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		therefore irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.		
555.	Is it possible to be a "business" and a "service provider" as to the same information, and what would the requirements be?	No change was made in response to this comment. The comment raises specific legal questions and seeks legal advice regarding the CCPA and is therefore irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W123-12	958
§ 999.315. Requests to Opt-Out				
- § 999.315 generally				
556.	The regulations should clarify that "user-enabled privacy controls" include global devices or browser settings. The regulations allow consumers to opt-out through a minimum of two methods, which may include a browser plugin or privacy setting, but should clarify that this includes global devices and settings. Businesses should not be able to preclude consumers from exercising their right to opt-out through a global setting, as authorized by Civ. Code § 1798.135(c), by limiting consumers to two, less convenient, opt-out methods.	Accept. Sections 999.315(a), 999.315(d) (previously enumerated as 999.315(c)), and 999.315(g) have been modified to incorporate the term "user-enabled global privacy controls."	W74-4 W74-5 OSac4-6 OSF11-2	00527-00528 00528 Sac 43:11-44:3 SF 44:10-44:22
557.	Supports proposed rules regarding opt-outs by means of user-enabled privacy controls because they make it easier for consumers to opt-out.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W74-46 W174-41 OSF9-2	00537 01456 SF 39:11-39:23
558.	Supports non-verification of opt-out. Little risk if adversary opts-out and *de minimis* injury to consumer.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment	W174-46	01457-58

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		concurred with the proposed regulations, so no further response is required.		
559.	Suggests that the Attorney General aim to ascertain that the opt-out mechanism is consumer-friendly and does not require more time or effort than the opt-in procedures. From a technological point of view, the opt-out process should be as smooth and frictionless as opt-in and from a usability point of view, it should be seamless and understandable.	Accept. Section 999.315(c) provides that a business's method for submitting requests to opt-out shall be easy for consumers to execute, shall require minimal steps, and shall not utilize a method that has the substantial effect of subverting or impairing a consumer's decision to opt-out. Section 999.306 also requires that the notice of right to opt-out shall be designed and presented in a way that is easy to read and understandable to consumers.	W143-6 OSF8-2 OSF8-6 OSF17-1 OFres 3-1	01100 SF 36:14-36:16 SF 81:6-81:21 SF 67:1-68:5 Fres 18:13-18:16
560.	The regulations should allow opt-out by tweet or phone settings.	No change has been made in response to this comment. In drafting the regulations, the OAG considered and balanced the ease of opting-out for consumers and the burden on businesses of receiving and responding to opt-outs. The proposed change is not necessary. The regulations require businesses to offer at least two methods of submitting such requests, including one that reflects the way the business primarily interacts with the consumer, and requires the methods to have minimal steps and be easy for consumers to execute. In addition, § 999.315(a) & (d) are intended to foster privacy innovation by requiring businesses to accept an opt-out request from a user-enabled privacy control or mechanism that meets certain criteria.	W17-1	00036-00037
561.	There needs to be a clear and factually accurate dialogue box for opt-outs, rather than allowing platforms to manipulate them.	No change has been made in response to this comment. In drafting these regulations, the OAG considered the need for an easy to read and understandable notice for consumers. In response to other comments, §§ 999.306(a)(2)(d), 999.306(f) (previously § 999.306(e)), and 999.315(d) (previously § 999.315(c)) have been revised and § 999.315(c) has been added. See responses #98, 99, 221, 556, 559. For the reasons set forth in the ISOR and FSOR, the OAG determined that the requirements specified for opt-outs set forth in §§ 999.306 and 999.315 are necessary, effective, and balance the value of clarity	W17-1	00036-00037

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		for consumers with the burden on businesses. See ISOR, pp. 10-11, 23-24; FSOR, §§ 999.306(a), 999.306(f), 999.315(c), (d).		
562.	Clarify that Vehicle Identification Number ("VIN") is exempt from the right to opt-out under the CCPA, and provide guidance regarding vehicle information. Car manufacturers are concerned about the scope of the definition of "sale" and suggest language: request to opt-out does not apply when information is exchanged between parties whose commercial conduct is related to the degree that informed consumers would reasonably expect the parties to share information for the purposes of benefitting the consumer with regard to safety, security, repair, performance, or efficiency issues.	No change has been made in response to this comment. After weighing the recommendation to clarify the scope of "sale" for car manufacturers against the consumer privacy purposes of the CCPA, the OAG has determined that the recommendation is: (1) not authorized by the CCPA, (2) does not further the purposes of the CCPA, and (3) contradicts discretionary policy determinations implemented by these regulations. To the extent applicable, Civil Code § 1798.145(g) sets forth when the right to opt-out does not apply to vehicle information.	W63-7 W91-6 OSF1-2	00368-00369 00657-00658 SF 10:22-11:24
563.	Include exemption to the "do not sell" request so that a business may deny a consumer's request "to the extent that this personal information is used solely to protect against malicious, deceptive, fraudulent, or illegal activity." Another comment suggests clarifying that CCPA's fraud exemption covers the collection, use, and sharing of personal information (e.g. with data suppliers) to create and distribute fraud prevention and detection tools, and that it applies to both deletion requests and opt-out requests.	No change has been made in response to this comment. The proposed modification to the regulation is not necessary because the CCPA and the regulations already allows the use of personal information to protect against fraudulent or illegal activity. The CCPA defines sale to exclude a business's sharing of information with a service provider for a "business purpose," which includes "detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity." See Civ. Code § 1798.140(d)(2), (t)(2). Section 999.314(c)(4) clarifies that a service provider may retain, use, and disclose personal information to detect data security incidents or protect against fraudulent or illegal activity. The proposed clarification to expand the fraud exception to cover the creation and distribution of fraud prevention and detection tools is not necessary given that the CCPA and the regulations already allow businesses to share personal information with service providers under certain circumstances.	W120-16 W152-9	00934 01199-01200

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564.	Comment proposes adding a provision that a consumer's provision of personal information results in an intentional disclosure and allowing sharing of personal information for "jointly-offered services," provided that the sharing and the identity of the joint-offering partner was disclosed to the consumer in advance.	No change has been made in response to this comment. The proposed regulation is not necessary because the regulations already allow a business that receives a consumer's request to opt-out to present the consumer with the opportunity to choose to opt-out of sale for certain uses, along with the choice of a global opt-out, as well as the opportunity to confirm any business-specific privacy settings or participation in a financial incentive program. See § 999.315(d)(2), (e). Further, Civil Code § 1798.140(t)(2)(A) excludes from the definition of "sale" the instance where the consumer directs the business to intentionally disclose personal information to a third party provided that the third party does not also sell the personal information.	W63-13	00373-74
565.	Opt-out request rules may be technologically impossible to fulfill. Comments claim that businesses do not know if an opted-out consumer accesses the business's website or services again through another device or by a proxy or VPN, and that IP addresses usually cannot be linked to a particular individual. Comments also claim that a global opt-out option may not be feasible because businesses likely possess varying data elements about a single consumer that may not be linked. Comments request that § 999.315 be modified to state that none of its provisions require businesses to reidentify or otherwise link information that is not maintained in a manner that would be considered personal information.	No change was made in response to this comment. The comment objects to the CCPA, not the proposed regulation. Civ. Code §§ 1798.120, 1798.135. The technological concerns raised by these comments would be present, even without the proposed regulations: for example, a consumer who clicks on the "Do Not Sell" link using one device but visits the same website using a different device may have to click the "Do Not Sell" link again to complete the opt-out of the sale of personal information. This circumstance would persist if a consumer accessed by a proxy or VPN, as well. The regulation is necessary to "facilitate and govern the submission of a request by a consumer to opt-out of the sale of personal information pursuant to Section 1798.120" and "to govern business compliance with a consumer's opt-out request." Civ. Code § 1798.185(a)(4)(A)-(B). A global opt-out option eases the submission of a request by a consumer and is an option that facilitates this request as opposed to requesting to opt-out by individual website, then by browser, then by device, and so forth. The proposed modification to the regulation is not necessary as the CCPA "shall not be construed to require a	W13-3 W68-1 W97-3 W148-17	00029 00418-00419 00695-00696 01156-00157

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		business to ... reidentify or otherwise link information that is not maintained in a manner that would be considered personal information." Civ. Code § 1798.145(k).		
566.	It is impractical and burdensome to require consumers to individually opt-out of the sale of their personal information for each business or website. Comments propose an opt-in instead.	No change was made in response to this comment. The comment's objection to opt-outs is an objection to the CCPA, which provides consumers with the right to opt-out of sales, not the regulations. See Civ. Code § 1798.120. In drafting the regulations, the OAG considered the burden to consumers, and the regulations require businesses to respond to user-enabled privacy controls that clearly communicate a consumer's opt-out intent and allows consumers to globally opt-out of the sale of their personal information without submitting individual opt-outs for each website or application. See § 999.315(a), (d).	W47-1 W94-4 W109-1 W157-9	00214 00674 00829 01272-01275
567.	Questions whether a consumer can opt-out of data sharing in addition to data selling.	No change has been made in response to this comment. Whether "data sharing" is considered a "sale" is a fact-specific determination based on the definition of "sale" set forth in Civil Code § 1798.140(t). The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W203-22	01669
568.	Clarify that the regulation does not apply if a business does not sell personal information.	No change has been made in response to this comment. Civil Code § 1798.120(a) already states that a consumer's right to opt-out only applies if the business sells personal information about the consumer. The proposed modification is not necessary.	W42-13 W61-21 W69-6 W123-13	00184 00352 00442 00958
569.	State that businesses need not engage in extraordinary eDiscovery searches to try to locate every bit of personal information that might be located somewhere in their systems, including in unstructured formats, that as a practical matter they cannot retrieve without accessing additional data or technology not accessed in the ordinary course of business.	Accept in part. The OAG has added subsection (3) to § 999.313(c) to balance the goals and purpose of the CCPA with the burden to businesses searching for responsive information. See FSOR, § 999.315(c)(3).	W120-13	00933

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- **§ 999.315(a)**				
570.	Amend § 999.315(a) to clarify that businesses can comply with the requirement to have a "Do Not Sell" link by placing the "Do Not Sell" link on a California-specific website homepage.	No change has been made in response to this comment. Section 999.315 does not mandate where on the business's website or mobile application the link must be placed and, as the comment noted, the CCPA allows businesses to place this link on their California-specific homepage. The CCPA dictates this legal requirement. See Civ. Code §§ 1798.135(a)(1), (a)(2), (b), 1798.140(l).	W145-15	01113
571.	Proposed regulation should be deleted because it is not required by and is inconsistent with the CCPA, is not necessary given that the CCPA directly addresses opt-out requests, and inaccurately designates "acceptable" methods that would create consumer confusion.	No change has been made in response to this comment. The OAG disagrees with the comment's interpretation of the CCPA. The regulation, renumbered as § 999.315(d), is consistent with the language, structure and intent of the CCPA. Among other provisions, Civil Code § 1798.185(a)(4)(A) directs the OAG to adopt regulations that "facilitate and govern the submission of a request by a consumer to opt-out of the sale" of personal information. Section 999.315(d) regarding user-enabled privacy controls furthers that purpose by supporting innovation for privacy services that facilitate consumers in exercising their right to opt-out. Such controls can help to relieve consumers of the burden of filling out forms or taking other steps to opt-out individually from numerous websites and applications.	W97-9	00710-00712
572.	Add that a business shall treat a "do not track" browser header as an opt-out request.	No change was made in response to this comment. The regulations do not prescribe a particular mechanism or technology but is technology neutral in support of innovation in privacy services to facilitate consumers' exercise of their right to opt-out. The regulations do not prohibit a business from responding and respecting a user's "do not track" signal, which communicates via a setting in a user's browser that the user requests that third parties stop tracking online activity. If a business chooses to treat a "do not track" signal as a useful proxy for communicating a consumer's privacy choices to businesses and third parties, the regulations do not prohibit this mechanism. The intention of the regulation was to encourage	W74-8 W174-42 W205-2 OSF11-3	00529 01456-01457 01688 SF 44:23-46:10

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		innovation and development of technological solutions to facilitate and govern the submission of a request by a consumer to opt-out of the sale of personal information pursuant to Section 1798.120. Civ. Code § 1798.185(a)(4)(A). To implement the purpose and intent of the CCPA, opt-out requests must be specific and businesses must implement mechanisms to receive and respond to them. In response to other comments, § 999.315(d) now specifies that only user-enabled privacy controls that "communicate or signal the consumer's choice to opt-out of the sale of their personal information" must be treated by online businesses as valid opt-out requests. The regulation is intended to support innovation for privacy services that facilitate the exercise of consumer rights in furtherance of the CCPA. See responses #556, 559; FSOR, § 999.315(a), (d).		
573.	The regulations should require consumers to take affirmative steps to enable a browser-based opt-out mechanism.	Accept in part. Section 999.315(d)(1) has been added to state that any privacy control developed in accordance with these regulations shall clearly communicate or signal that a consumer intends to opt-out of the sale of personal information. Consumers affirmatively choose products or services that include built-in privacy-protective features because these products or services are designed with privacy in mind. This selection of privacy-by-design products or services is an affirmative step to enable the opt-out mechanism. Additional steps are not necessary. See FSOR, § 999.315(d)(1).	W114-9	00867-00868
574.	Eliminate or clarify the use of user-enabled privacy controls as an opt-out mechanism. Comments claim that the regulations should: (1) specifically define what constitutes a user-enabled privacy control and identify uniform mechanisms for browsers and devices to implement and for businesses to recognize; (2) require user-enabled privacy controls to clearly represent the consumer's intent to opt-out and	Accept in part. The regulations have been modified to clarify that any such control must clearly communicate a consumer's intention to opt-out of sale; to provide that when a consumer's use of a global privacy control conflicts with an existing business-specific setting, the business may give the consumer the choice of confirming the business-specific setting; and to require a business's methods for submitting opt-outs to be easy for consumers to execute and to require minimal steps for the consumer to opt-out. See § 999.315(c), (d). With respect to	W69-3 W114-9 W123-13 W140-1 W149-4 W151-9 OFres2-5 OSF23-1 OSF23-2	00440-00441 00867-00868 00958 01078 01167 01185 Fres 16:18-17:6 SF 82:6-82:18 SF 82:19-83:4

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	not conflict with other privacy settings or tools; (3) require user-enabled privacy controls to be easy to use by consumers, clearly described, and not require consumers to provide unnecessary information; (4) require consumers to take affirmative steps to enable browser-based opt-out mechanisms rather than allowing default opt-outs; (5) prohibit manufacturers of user-enabled privacy controls to disadvantage other businesses, for example through self-servicing implementations in browser software; and (6) provide a phase-in period for businesses to implement new user-enabled privacy controls that are deemed to constitute opt-out requests. Comments claim that user-enabled privacy controls may be ambiguous in reflecting consumer intent to opt out and asked whether "Do Not Track" signals should be interpreted as opt-outs and what businesses should do if different settings send mixed or conflicting signals. Comments also claim that there are no operational standards for these signals, businesses cannot keep abreast of and respond to all browsers and signals, it would be burdensome and take time for businesses to implement processes to respond to new or changed browser signals, and manufacturers could implement self-servicing controls that disadvantage other businesses.	requiring that consumers take affirmative steps, consumers affirmatively choose products or services that include existing privacy-protective features because they are designed with privacy in mind, which in itself is an affirmative step to enable the opt-out mechanism. Additional steps are not necessary, even if this means that a consumer relies on a privacy-by-default opt-out. The regulation has also been modified to clarify that its intent is to be forward-looking and modifying the regulation to provide for an explicit phase-in period would add complexity to the rules without providing identifiable benefits. The regulations do not prescribe a particular mechanism or technology but are technology-neutral in support of innovation in privacy services to facilitate consumers' exercise of their right to opt-out. However, the request that the OAG identify uniform mechanisms is noted, but to meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.		
575.	Eliminate the provision requiring businesses to accept opt-out requests through webforms. Comments claim that businesses may not be able to associate a request to a particular	No change has been made in response to this comment. The OAG has made effort to limit the burden of the regulations while implementing the CCPA. Section 999.315(a)'s requirement of an interactive form as one method for submitting an opt-out	W45-24 W55-5 W60-32 W61-21	00205 00277-00278 00340 00352

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	consumer (as opposed to a particular device) or to the personal information that the business maintains, and would have to collect additional data to do so, which undermines privacy protections and is contrary to the CCPA. Comments also claim that the webform requirement is burdensome and costly, especially for small businesses; is unnecessary; is overly prescriptive; and does not further the CCPA's purpose. Comments also claim that businesses should be allowed to use emails instead of webforms and that businesses that do not use their website to interact with consumers or collect information should not be required to have a webform. The OAG should consider industry-leading implementations that already have consumer recognition in crafting an acceptable opt-out mechanism.	request is necessary to facilitate consumers' exercise of this right, as provided in Civ. Code § 1798.185(a)(4)(A) and for the reasons stated in the ISOR. ISOR, pp. 23-24. Performing transactions such as this online has become a common practice for consumers; internet and mobile apps are widely available, less cumbersome, and faster than many offline methods of submitting requests to businesses. The regulation is meant to apply to a wide range of businesses that interact with consumers in different ways, and allows businesses flexibility in determining what information is required to be submitted via the interactive form in order to facilitate a consumer's opt-out. Additionally, Civ. Code § 1798.145(k) provides that the CCPA "shall not be construed to require a business to ... reidentify or otherwise link information that is not maintained in a manner that would be considered personal information."	W122-5 W125-10 W167-8	00950 00971 01393-01394
576.	Eliminate § 999.315(a) because it lacks authority under the CCPA and is overly prescriptive. The CCPA does not require businesses to provide two request-submission methods, and commenters claim that requiring businesses to do so is inconsistent with the CCPA, unnecessary because the CCPA directly addresses submission of opt-out requests, and may increase the risk of fraudulent requests. Comments claim that § 999.315(a) would frustrate the exercise of consumers' rights and create consumer confusion and frustration because some methods deemed "acceptable" may not be able to effectuate opt-outs. Comments also claim that the methods listed in	No change has been made in response to this comment. Civil Code § 1798.185(a)(4) provides the Attorney General with authority to establish rules and procedures to facilitate and govern opt-out submission requests and business compliance with opt-out requests. Section 999.315(a) is not inconsistent with the CCPA and, for the reasons stated in the ISOR, is necessary to facilitate consumers' exercise of this right. ISOR, pp. 23-24. With respect to the comment that consumers may become frustrated because businesses may be unable to effectuate opt-outs through methods designated by the regulation as "acceptable," the regulation is meant to apply to a wide range of businesses that interact with consumers in different ways, and allows businesses flexibility in determining what designated methods are appropriate for that business. The CCPA does not state that the "Do Not Sell" link is the sole or	W97-9 W101-17 W162-40 W170-4	00710-00712 00744 01346-01347 01419-01420

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	§ 999.315(a) should all be discretionary and that the only requirements should be the link required by Civ. Code § 1798.135(a)(1).	sufficient mechanism for opt-out requests; Civil Code § 1798.185(a)(4) with § 1798.135(a) may reasonably be read as a baseline requirement, and not the only requirement, for businesses that sell personal information online.		
577.	Businesses should be able to provide a general toll-free number (as opposed to a separate CCPA-specific toll-free number) to receive consumer requests.	No change has been made in response to this comment. The comment's proposed change is not necessary. Civil Code § 1798.130 requires certain businesses to offer consumers "a toll-free telephone number" to submit requests, but does not require that the number be solely used to receive consumer requests. A business already has discretion to provide a general toll-free number to receive consumer requests.	W60-19	00330
578.	No online asset, such as a webform or mobile application, is available 100% of the time. The regulations should clarify that temporal interruptions in the availability of online assets or online means for receiving consumer requests are not violations.	No change has been made in response to this comment. The regulations provide for timelines to respond to consumer requests without a requirement of immediacy. A clarification regarding temporal interruptions is not necessary.	W133-6	01027-01028
- **§ 999.315(b)**				
579.	The term "primarily interacts" is vague, and the regulations should instead focus on the primary manner in which personal information is collected or allow businesses with both an online and physical presence to determine the appropriate submission process for requests. For example, a business may primarily interact with customers through store clerks but primarily collect personal information through its website, and it would be unnecessarily burdensome and lead to errors to require the business to train all store clerks, which is a position with high turnover.	No change was made in response to this comment. The regulation is reasonably clear and is meant to apply to a wide range of businesses that interact with consumers in different ways. The proposed change is not more effective in carrying out the purpose and intent of the CCPA because the manner in which the business primarily collects personal information encompass the different ways in which a consumer interacts with the business. As explained in the ISOR, this language is necessary to prevent businesses from using obscure methods for consumers to submit such requests as a way of discouraging consumers from exercising their rights. ISOR, p. 24.	W126-18 W133-2	00978 01024-01025

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580.	Supports the Attorney General's proposed rule that at least one opt-out method offered by each business must reflect the manner that it primarily interacts with the consumer, which makes opt-out easier for consumers.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W174-43	001457
- **§ 999.315(c)**				
581.	Eliminate the requirement that businesses must accept user-enabled privacy controls as valid opt-out requests. Comments claim that it is overly burdensome, especially to small businesses, including because it is costly and unnecessarily difficult to administer and businesses may not have the technological capacity to do so. Comments also claim that it is overly prescriptive, violates the principle of data minimization, and is unnecessary, including because the CCPA already requires a "Do Not Sell" link. Comments claim the regulation is of no or unclear benefit to consumers and that there is no support for the ISOR's assertion that the regulation is necessary to prevent businesses from ignoring consumer tools. Comments suggest not requiring businesses that have a "Do Not Sell" link and another opt-out mechanism to honor user-enabled privacy controls.	No change has been made in response to this comment. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. In drafting these regulations, the OAG believes that the regulations strike an appropriate and reasonable balance between the ability of consumers to exercise the rights conferred by the CCPA and the burden on businesses and that, for the reasons set forth in the ISOR and FSOR, the regulation is necessary. ISOR, p. 27; FSOR, § 999.315. Furthermore, clarifying modifications made in response to other comments, including specifying that any user-enabled privacy controls that are developed must clearly communicate a consumer's intent to opt-out of sale, also help to reduce the potential burden on business. The OAG disagrees with the comments' interpretation of the CCPA. The regulation is consistent with the language, structure, and intent of the CCPA. This subdivision is intended to support innovation for privacy services that facilitate the exercise of consumer rights in furtherance of the purposes of the CCPA. The CCPA does not limit the method for consumers to request to opt-out to only the "Do Not Sell" link; Civil Code § 1798.185(a)(4) and § 1798.135(a) may reasonably be read as a baseline requirement, and not the only requirement, for businesses that sell personal information online.	W60-7 W69-2 W70-5 W97-3 W102-17 W103-17 W123-13 W161-18 W162-3 W162-41 W165-16 W167-8 W181-2 W184-8 W186-32 W207-4	00323 0440 00502-00503 00695-00696 00762 00780-00781 00958 01308-01309 01317-01319 01347-01348 01376 01393-01394 01514-01516, 01520 01539-1540 01556-01557 01707-01708
582.	User-enabled privacy controls that businesses must treat as valid opt-out requests should clearly and unambiguously express the consumer's choice to opt-out of the sale of their	Accept in part. The regulations have been modified to clarify that any user-enabled privacy control must "clearly communicate or signal that a consumer intends to opt-out of the sale of personal information." § 999.315(d). The regulation is	W34-3 W38-20 W53-13 W61-21	00124 00155 00248-00249 00352-00353

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	personal information. Comments request clarification on what constitutes a user-enabled privacy control that must be treated as a valid opt-out request and whether DNT signals must be honored, stating that the regulation is vague. Other comments claim that the Do Not Track (DNT) signal should not be used to communicate "do not sell my personal information" because they are distinct. It is unclear how consumers and businesses will know which controls serve as an opt-out and how businesses will be able to determine if and when a consumer has implemented an opt-out. Comments also claim that for a user-enabled privacy control to constitute a valid opt-out request, consumers should have to undertake affirmative action to-opt out rather than rely on default opt-outs.	intended to support innovation for privacy services that facilitate the exercise of consumer rights in furtherance of the CCPA. The regulations do not prescribe a particular mechanism or technology but is technology-neutral in support of innovation in privacy services to facilitate consumers' exercise of their right to opt-out. The regulations do not prohibit a business from responding and respecting a user's "do not track" signal, which communicates via a setting in a user's browser that the user requests that third parties stop tracking online activity. If a business chooses to treat a "do not track" signal as a useful proxy for communicating a consumer's privacy choices to businesses and third parties, the regulations do not prohibit this mechanism. The intention of the regulation was to encourage innovation and development of technological solutions to facilitate and govern the submission of a request by a consumer to opt-out of the sale of personal information pursuant to Civ. Code § 1798.120. Civ. Code § 1798.185(a)(4)(A). With respect to requiring that consumers take affirmative steps, consumers affirmatively choose products or services that include existing privacy-protective features because they are designed with privacy in mind, which in itself is an affirmative step to enable the opt-out mechanism. Additional steps are not necessary, even if this means that a consumer relies on a privacy-by-default opt-out. The CCPA's purpose is to advance consumer privacy, not encumber it.	W63-14 W74-7 W95-1 W95-5 W103-17 W112-10 W114-10 W117-11 W117-13 W120-4 W122-6 W124-11 W125-16 W133-7 W184-8 W190-33 W197-7 OSac4-1	00374-00375 00528 00681 00682 00780-00781 00836-00838 00867-00868 00919-00920 00920 00931 00950 00965 00973-00974 01028-01029 01539-1540 01601-01602 01634 Sac 18:19-20:13
583.	Clarify whether this provision is only operative if a business explicitly elects to use user-enabled privacy controls as one of the two mandated opt-out methods, since businesses may be unaware that a consumer is attempting to exercise their opt-out right by using a user-enabled privacy control.	No change has been made in response to this comment. The provision states that businesses that collect personal information from consumers online must treat user-enabled privacy controls as valid opt-out requests; there is no exception for businesses that allow two other opt-out methods in addition to this. In response to other comments, the provision has been modified to clarify that any user-enabled privacy control must clearly	W38-20	00155

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		communicate or signal the consumer's intent to opt-out of the sale of personal information.		
584.	Small- and medium-sized businesses need more clarity on the opt-in and opt-out requirements to provide consumers with a legally sufficient and effective means of establishing their privacy preferences.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. In response to other comments, the OAG has modified the regulations to require user-enabled privacy controls to clearly communicate or signal a consumer's opt-out intent and, if a global privacy control conflicts with a consumer's existing business-specific privacy setting or participation in a business's financial incentive program, to require businesses to respect the global privacy control but to allow them to notify the consumer of the conflict and provide them the choice to confirm the business-specific option.	W179-5	01505
585.	The regulation exceeds the scope of the CCPA and other existing law and is not consistent with the CCPA. Comments claim that browser plug-ins are not aligned with the CCPA's complex and broad definitions of "sale" and "personal information," that the CCPA already provides for a "Do Not Sell" button as a mechanism for opt-out requests, that the CCPA does not protect information that cannot reasonably be linked to a particular person or household as opposed to merely a particular device, and that creating this additional mechanism is inconsistent with the CCPA.	No change has been made in response to this comment. The OAG disagrees with the comments' interpretation of the CCPA. The regulation, renumbered as § 999.315(d), is consistent with the language, structure and intent of the CCPA. Among other provisions, Civ. Code § 1798.185(a)(4)(A) directs the OAG to adopt regulations that "facilitate and govern the submission of a request by a consumer to opt-out of the sale" of personal information. Section 999.315(d) regarding user-enabled privacy controls furthers that purpose by supporting innovation for privacy services that facilitate consumers in exercising their right to opt-out. Such controls can help to relieve consumers of the burden of filling out forms or taking other steps to opt-out individually from numerous websites and applications. The CCPA does not state that the "Do Not Sell" link is the sole or sufficient mechanism for opt-out requests; Civil Code § 1798.185(a)(4) with § 1798.135(a) may reasonably be read as a baseline requirement, and not the only requirement, for businesses that sell personal information online. The comment does not provide evidence or support for its assertion that browser plug-	W42-24 W55-4 W60-6 W61-21 W69-2 W70-5 W88-31 W96-6 W98-4 W101-18 W102-16 W103-17 W104-5 W117-10 W117-12 W120-5 W123-13 W142-6 W145-16	00185 00276-00277 00322-00323 00352-00353 00440 00502-00503 00635 00687 00721 00744-00745 00761 00780-00781 00788-00789 00919-00920 00919-00920 00931 00958 01090 01113-14

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		ins are not aligned with the CCPA's complex and broad definitions of "sale" and "personal information." Further, it also appears that the comment objects to the CCPA, not the proposed regulation. The technological concerns would be present, even without the proposed regulations: a consumer who clicked on the "Do Not Sell" link using one device but visits the same website using a different device may have to click the "Do Not Sell" again to ensure a complete opt-out of the sale of her personal information. This challenge would persist if a consumer accessed by a proxy or VPN, as well. The regulation is designed to make the opt-out as easy as possible for consumers to exercise to avoid the frustration or annoyance of having to opt-out by individual website, then by browser, then by device, and so forth. A business shall comply with these requests. The proposed modification to the regulation is not necessary as the CCPA "shall not be construed to require a business to ...reidentify or otherwise link information that is not maintained in a manner that would be considered personal information." Civ. Code § 1798.145(k).	W147-12 W148-14 W161-18 W162-3 W162-41 W165-12 W165-13 W165-14 W173-5 W173-6 W184-8 W190-33 W202-7 W207-4 OSac3-3 OSac8-1 OSac8-2 OLA12-4 OLA19-2 OLA20-1 OSF5-2	01131 01155 01308-01309 01317-01319 01347-01348 01375-01376 01376 01376 01431 01431 01539-01540 01601-01602 01659-01660 01707-01708 Sac 14:2-15:9 Sac 33:9-34:3 Sac 34:3-34:14 LA 43:19-44:7 LA 59:20-60:10 LA 61:9-61:20 SF 26:2-27:13
586.	Appreciates the desire to find simple solutions for consumers who want to indicate their privacy preferences. User-enabled privacy controls can be useful to consumers because they are persistent and easy to use, and useful to consumer-facing companies because the signals are sent in real-time to all downstream companies.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change these regulations. The OAG appreciates this comment in support.	W82-7	00582
587.	The regulation is not now technologically feasible. There is no current standard protocol for "do not sell," and it would take years to develop one, which potentially gives rise to compatibility issues between systems and leaves	No change has been made in response to this comment. The regulations have been modified to clarify that any user-enabled privacy control must "clearly communicate or signal that a consumer intends to opt-out of the sale of personal information." § 999.315(d). If a global privacy control conflicts	W42-24 W53-13 W61-21 W63-14 W68-1	00185 00248-00249 00352-00353 00374-00375 00418-00419

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	businesses subject to multiple competing standards, which would be impractical to track and implement. It is unclear whether a business has an obligation to build technical solutions to determine whether a consumer has enabled any privacy control. Comments also claim there could be conflicts between a consumer's user-enabled privacy controls and the consumer's use of the "Do Not Sell" button, and that businesses may not be able to contact consumers, for example to confirm that it has notified third parties of the opt-out. Comments claim that it is premature to draft regulations on this, that industry frameworks should first be further developed, and that businesses should only have to recognize user-enabled privacy controls if they claim to do so, if controls use a standard control or mechanism, or if the OAG identifies specific controls that constitute valid opt-out mechanisms.	with a consumer's existing business-specific privacy setting or their participation in a business's financial incentive program, the business shall respect the global privacy control but may notify the consumer of the conflict and give the consumer the choice to confirm the business-specific privacy setting or participation in the financial incentive program. See § 999.315(d)(2). The regulation is intended to support innovation for privacy services that facilitate the exercise of consumer rights in furtherance of the CCPA. The regulations do not prescribe a particular mechanism or technology but is technology-neutral in support of innovation in privacy services to facilitate consumers' exercise of their right to opt-out. The regulations do not prohibit a business from responding and respecting a user's "do not track" signal, which communicates via a setting in a user's browser that the user requests that third parties stop tracking online activity. If a business chooses to treat a "do not track" signal as a useful proxy for communicating a consumer's privacy choices to businesses and third parties, the regulations do not prohibit this mechanism. The intention of the regulation was to encourage innovation and development of technological solutions to facilitate and govern the submission of a request by a consumer to opt-out of the sale of personal information pursuant to Civil Code § 1798.120. Civ. Code § 1798.185(a)(4)(A). The comment requesting that the OAG identify specific controls that constitute valid opt-out mechanisms is noted. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.	W69-2 W70-5 W73-15 W82-8 W91-10 W96-6 W98-4 W101-18 W102-11 W102-12 W103-17 W117-10 W117-11 W117-13 W120-3 W123-13 W125-16 W142-6 W145-16 W147-12 W151-9 W155-10 W156-4 W161-18 W162-41 W165-21 W181-2 W186-32 W187-2 W189-9 W190-33 W202-7	00440 00502-00503 00521 00583 00659 00687 00721 00744-00745 00757 00757-00759 00780-00781 00919-00920 00919-00920 00931 00920 00958 00973-00974 01090 01113-01114 01131 01185 01214-01215 01229-01230 01308-01309 01308-01309 01377-01378 01514-01516, 1520 01556-01557 01564-01565 01584-01585 01601-01602 01659-01660

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588.	The regulation does not give consumers meaningful choice and does not communicate consumers' express choice, thereby creating uncertainty for consumers and businesses. Comments claim that it is not clear that consumers who use global browser settings or plug-ins intend to exercise an opt-out, that consumers should be able to opt-out of select sales instead of the regulation's all-or-nothing approach, and that the technology is still evolving. Comments also claim that in the case of public or shared computers, businesses may opt out consumers who are not actually requesting an opt-out, which may subject them to a price difference for a service in which they are permitting the sale of their data and require them to opt back in to the sale of their data. Similarly, comments claim that the regulation degrades user experience because the businesses may be required to disable personalization features that consumers want and expect.	Accept in part. The regulation, renumbered as § 999.315(d), has been modified. Subsection (d)(1) clarifies that any privacy control developed in accordance with these regulations must clearly communicate or signal that the consumer intends to opt-out of the sale of personal information. The purpose of the global privacy control is to give consumers a mechanism to make a global opt-out to facilitate the submission of the request to opt-out, as opposed to going website-by-website via the "Do Not Sell" link. With respect to requiring that consumers take affirmative steps, consumers affirmatively choose products or services that include existing privacy-protective features because they are designed with privacy in mind, which in itself is an affirmative step to enable the opt-out mechanism. Additional steps are not necessary, even if this means that a consumer relies on a privacy-by-default opt-out. The CCPA's purpose is to advance consumer privacy. Subsection (d)(2) provides that when a consumer's use of a global privacy control to opt-out conflicts with an existing business-specific setting, the business may contact the consumer to give the consumer the choice of confirming the business-specific setting. See FSOR, § 999.315(d)(1) and (2). In response to other comments, the OAG has also modified § 999.315(e) (previously § 999.315(d)) to state that businesses may provide consumers with the choice to opt-out of sales for certain uses of personal information. This should also neutralize any degradation of user experience and limit consumer frustration. The OAG also believes that the regulation will provide consumers with personalized *privacy* features. As to the issue of shared computers and financial incentives, as stated above, subsection (d)(2) provides that when a consumer's use of a global privacy control to opt-out conflicts with an existing business-specific setting, the business may contact the consumer to give the consumer the choice of confirming the business-specific setting. Further, the comments provide no alternative	W53-13 W54-10 W55-4 W60-6 W63-14 W69-2 W88-31 W96-6 W98-4 W103-17 W117-11 W117-12 W123-13 W124-11 W145-16 W156-4 W165-17 W165-19 W166-3 W101-18 W151-9 W161-18 W162-41 W166-2 W166-4 W173-6 W184-8 W189-9 W190-33 W197-7 W202-7 W207-4 OSF5-2	00248-00249 00264-00265 00276-00277 00322-00323 00374-00375 00440 00635 00687 00721 00780-00781 00919-00920 00919-00920 00958 00965 01113-01114 01229-01230 01376-01377 01377-01378 01383-01384 00744-00745 00185 01308-01309 01347-01348 01383 01383t 01431 01539-1540 01584-01585 01601-01602 01634 01659-01660 01707-01708 SF 26:2-27:13

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		method that would be as effective with less burden to consumers. Modifying this regulation to account for this specific situation would add complexity to the rules without providing identifiable benefits.	OSF22-1	SF 77:18-78:6
589.	The provision is unconstitutional. Comments claim it violates federal and California due process requirements because it is vague, and it fails to provide clarity as required by California's Administrative Procedure Act. "User-enabled privacy controls" and "valid request" are insufficiently definite to provide fair notice of the prescribed conduct. There is no definition for "user-enabled privacy controls" and there is no common definition or a history of general usage. The regulations' use of the term is boundless and include a non-exhaustive list of broad things that would constitute user-enabled privacy controls. They also expand "valid requests" to include any signal generated by user-enabled privacy controls. The failure to articulate minimum standards of the proposed signal renders the regulation unconstitutionally vague and compliance functionally impossible. Comments also claim that because the requirement may necessarily apply outside of California, it violates the Dormant Commerce Clause of the Constitution.	No change has been made in response to this comment. The OAG disagrees that the regulations are unconstitutionally vague. The regulations also provide sufficient clarity as required by California's Administrative Procedure Act. The regulations are reasonably clear and the terms "user-enabled privacy controls" and "valid requests" have plain meanings; "user-enabled privacy controls" are controls relating to privacy that the user has enabled and "valid requests" means requests, in particular requests to opt-out (the focus of this section of the regulation) that should be regarded as valid. In response to comments concerning the alleged lack of minimum technical standards for the user-enabled privacy controls, the regulation has been modified to state that any privacy control developed in accordance with these regulations shall clearly communicate or signal the consumer's intent to opt-out of the sale of personal information, and a business's obligations if a global privacy control conflicts with a consumer's existing business-specific privacy setting or participation in a business's financial incentive program. The OAG also notes that the regulations do not prescribe a particular mechanism but are technology neutral and forward looking in support of innovation in privacy services "developed in accordance with these regulations." See responses # 181, 188, 189, 194, 589; FSOR, § 999.315(c). Additionally, the OAG disagrees that the requirements violate the Dormant Commerce Clause. States generally have the authority to regulate businesses that engage in commerce with its citizens, including over the Internet. That CCPA and these regulations extend to businesses operating online does not give rise to a constitutional violation. Furthermore, these regulations	W102-13 W102-14 W102-15 W120-6	00759-00760 00759-00760 00761 00931-00932

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		apply to consumers' submission of requests, and a consumer is specifically defined by the law as a California resident. See Civ. Code § 1798.140 (g), see also Civ. Code, § 1798.145(a)(6); and see §§ 999.305(a)(2)(d), 999.306(a)(2)(c), 999.307(a)(2)(c), 999.308(a)(2)(c) [modification to the regulations that notices be made available to consumers in California]. The Dormant Commerce Clause prohibits states from discriminating against interstate commerce. E.g., *Dep't of Revenue of Ky. v. Davis* (2008) 553 U.S. 328, 338. The comment fails to identify any way in which the CCPA or these regulations discriminate against interstate commerce. See response #589; FSOR, § 999.315(c).		
590.	Defer regulations until after the CPRA initiative, which is very different than the proposed regulations. If approved, it would be a waste of Attorney General resources to implement proposed regs only to have the authority stripped and a new rulemaking be required.	No change has been made in response to this comment. The CPRA has not been enacted. If, in the future, statutes are enacted that require modification of the regulations, the OAG will review and modify the regulations as necessary.	W63-14 W63-15 W69-2 W104-6 W120-3 W120-4 W120-5 W120-6 W123-13	00374-00375 00375 00440 00788-00789 00931 00931 00931 00931-00932 00958
591.	Delay implementation of the regulations for user-enabled privacy controls. Commenters requested additional time, for example an additional year, to allow businesses and particularly small businesses time to respond and implement changes to comply with the regulations.	No change has been made in response to this comment. The OAG has considered and determined that delaying the implementation of these regulations is not more effective in carrying out the purpose and intent of the CCPA, namely providing consumers with mechanisms to control their personal information and requirements for businesses' compliance. The proposed rules were released on October 11, 2019, and the requirement that businesses treat user-enabled privacy controls as a valid request to opt-out of the sale of personal information remained in the modifications made public on February 10, 2020 and March 11, 2020. Thus, businesses that sell personal information of consumers have been aware that this requirement could be imposed as part of the OAG's regulations.	W70-5 W122-7	00502-00503 00950-00951

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		The OAG may exercise prosecutorial discretion if warranted, depending on the particular facts at issue. Prosecutorial discretion permits the OAG to choose which entities to prosecute, whether to prosecute, and when to prosecute. But see Civ. Code § 1798.185(c) (enforcement may not begin until July 1, 2020). How the OAG decides to exercise its enforcement authority is beyond the scope of the regulations. Thus, any regulation that delays implementation of the regulations is not necessary.		
592.	If user previously consented to disclose personal information with a third party and a separate tool for retracting consent was provided in that same interface, does a company need to apply a user's selection of "Do Not Sell My Personal Information" to that specific personal information that is being shared under the direction of the user? The assumption is that the consumer's direction to company to share with the other party removes the transaction from the definition of "sale" per Civ. Code § 1798.140(t)(2)(A)?	No change has been made in response to this comment. To the extent the comment raises specific legal questions and seeks legal advice regarding the CCPA, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulations provide general guidance for CCPA compliance. The hypothetical presented in the comment is unclear as to whether and how the user consented, what disclosure means, and if the business sells personal information based on the comment.	W182-9	01526
593.	Include additional language on user-enabled privacy controls to 1) require them to be consumer-friendly, clearly described, and easy to use by an average consumer, and not requiring consumers to provide unnecessary information; 2) ensure that there is no conflict between the global opt-out signal and other commonly used privacy settings; and 3) provide a mechanism for the consumer to selectively consent to a business's sale, use or disclosure of the consumer's personal information without	Accept in part. The regulations have been modified to address most of the comment's concerns. Section 999.315(c) requires the methods businesses offer for submitting opt-out request to be easy for consumers to use and to require a minimal number of steps. Section 999.315(d)(2) provides that when a global user-enabled privacy control conflicts with a consumer's existing business-specific privacy setting, the business may notify the consumer of the conflict and give the consumer the choice to confirm the business-specific setting. The OAG believes that these regulations on user-enabled controls will support innovation for privacy services.	W74-7	00528

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	affecting their preferences regarding other businesses.			
594.	Businesses and intermediaries should not be allowed to block or manipulate consumer signals. Some browsers, operating systems, and other intermediaries have the ability to interfere with consumers' ability to use choice tools via the Internet, for example by blocking the technology that is used to signal an opt-out. If consumers are unable to deliver a choice signal to a business due to an intermediary's blockage of the technology used to signal that choice, they would not have meaningful choice. Intermediaries could also unilaterally turn on "Do Not Sell" signals, and some dominant platforms may develop their own signals to unfairly tilt the competitive landscape in their favor. Commenters state that the regulations should prohibit intermediaries from interfering with consumers' ability to communicate preferences, including preferences made directly to particular businesses.	No change has been made in response to this comment. The OAG has not addressed this issue at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue. In response to to other comments, the regulation has been modified to state that any privacy control developed in accordance with these regulations shall clearly communicate or signal the consumer's intent to opt-out of the sale of personal information, and a business's obligations if a global privacy control conflicts with a consumer's existing business-specific privacy setting or participation in a business's financial incentive program. See response #588; FSOR, § 999.315(c).	W55-4 W60-6 W60-8 W82-8 W112-11 W161-18 W190-33	00276-00277 00322-00323 00323 00583 00836-00838 01308-01309 01601-01602
595.	The requirements do not make sense in the testing industry because 1) testing services must be able to collect certain personal information to verify the identity of test takers, and 2) test takers are not likely to opt-out of the collection or sharing of personal information because they are necessary for the delivery of testing services and results.	No change was made in response to this comment. The commenter's interpretation of the CCPA is inconsistent with the law's language, structure and intent. Civ. Code § 1798.140(t) defines "sale" to exclude the sharing of personal information to accomplish the purpose for which it was provided by the consumer. Neither the CCPA nor these regulations prohibit the collection of the personal information as described by the commenter.	W115-20 W115-21	00882 00882
596.	The SRIA did not adequately consider the fiscal implications of § 999.315(c) and requiring	No change was made in response to this comment. The comment is both incorrect and lacks any specificity to support its claim that the consideration was inadequate; to the extent the	W162-41	01347-01348

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	businesses to treat user-enabled privacy controls as a valid request to opt-out under 1798.120.	SRIA did not expressly refer to the user-enabled privacy controls, the fiscal considerations of this subsection should be read in context of of the SRIA's discussion of Article 3, as § 999.315(c) is part of this Article. Specificially, the SRIA considered the costs and/or benefits associated with additional technology and operational costs for establishing systems for businesses and service providers to respond to consumer requests. See SRIA, p. 17. It also identified and discussed four specific incremental costs for businesses attributable to the regulations, with a discussion on the operational, technology, and training costs associated with handling consumer requests – which includes the request to opt-out. See SRIA, pp. 24-26. It also discussed incentives for innovation, noting "there will also be incentives for provision of new services assisting consumers with utilizing CCPA protections to monitor and manage their data across products." See SRIA, p. 30.		
-	**§ 999.315(d)**			
597.	Comments supports this provision giving consumers the option to opt-out of sales for certain uses of their personal information so long as a global opt-out is more prominent and claim that the provision appropriately restrains companies that might otherwise seek to steer consumers to the partial option through eye-catching but deceptive user experience design choices.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulation, so no further response is required.	W63-4 W174-36	00366 01453-01454
598.	The regulations should create an exemption similar to that in §§ 999.313(c)(5) and 999.313(d)(6), allowing businesses to deny opt-out requests for the sale of personal information authorized by state or federal law or by an exception enumerated in the CCPA.	No change was made in response to this comment. Civil Code § 1798.145(a) states that the obligations imposed on businesses by the CCPA shall not restrict a business' ability to comply with federal, state or local laws, and the CCPA's exceptions speak for themselves. A transfer of personal information in compliance with state or federal law would unlikely be considered a "sale," which is defined as a transfer for "monetary or other valuable	W45-25	00205

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		consideration." Civ. Code § 1798.140(t)(1). The proposed modification is unnecessary.		
599.	Allow consumers to opt-out of certain types of sales or uses of their personal information.	Accept. The proposed regulation has been modified to allow consumers to opt out of sales for particular uses. See § 999.315(e).	W50-3	00229-00230
- **§ 999.315(e)**				
600.	Clarify that the 15-day period to respond to a request to opt-out is 15 *business* days.	Accept. Provision has been modified to 15 business days.	W24-5 W41-4 OLA15-3	00065 00177 LA 53:24-53:25
601.	Eliminate § 999.315(e) or extend the 15-day period. Comments claim it is unnecessary and burdensome (especially for businesses that transfer data on quarterly or monthly basis and would be required to increase the transfer to multiple times a month), is not required by the CCPA, is inconsistent with other 45-day periods for requests under the CCPA, is overly prescriptive, and has no rationale. Comments suggest a more flexible standard that would allow businesses to adapt their response time as opt-out technologies develop and suggest various timeframes: 30 days, 45 days, 15 business days, allowing businesses to have one 15-day extension, and matching the GLBA's "as soon as reasonably practicable" provision.	Accept in part. Provision has been modified to 15 business days, which is longer than 15 calendar days. Elimination or longer extensions of the period are not more effective in carrying out the purpose and intent of the CCPA. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. Because the CCPA is silent on the timing to respond to requests to opt-out, including a timing requirement provides clarity for businesses and promotes timely action for consumers exercising their request. See ISOR, p. 24. In addition, requiring the business to direct any third parties not to sell the personal information of a consumer after the business receives an opt-out request but before the business complies with the request, ensures that the consumer is fully able to exercise their right to opt-out as soon as they make the request, but considers the burden to the business by giving the business time to process and implement the request.	W24-5 W41-4 W42-13 W69-7 W70-5 W88-32 W103-16 W122-8 W123-13 W136-10 W148-16 W155-4 W156-5 OLA13-4 OLA 20-3	00065 00177 00184 00442 00502-00503 00635 00780 00951 00958 01053 01156 01207, 01212 01230-01231 LA48:1-48:11 LA 62:7-62:12
602.	Shorten the proposed 15 day period to respond to requests to opt-out. Comments claim that the CCPA intended opt-outs to be immediate because CCPA affirmatively gives businesses 45 days for responding to requests to know and delete but none for opt-outs. Comments suggest	No change has been made in response to this comment. The regulation already requires that the business comply as soon as feasibly possible, but specifies an outer limit of time (modified to be 15 business days) to address situations where the business needs more time to process the request. An immediate response may be feasible where sales occur online, but the CCPA applies to many different industries and a wide range of factual	W74-11 W143-4 OSF11-4	00529 01099 SF 46:11-47:10

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	requiring compliance immediately or within several days of receipt.	situations. In revising the regulation, the OAG has considered public input from many different businesses and industries and weighed the burden on the business with the benefit to the consumer. See response #601. Further, the CCPA's silence on the timing of the response does not mean the timing must be immediate. Civil Code § 1798.185(a)(4)(B) provides the Attorney General with authority to establish rules and procedures to govern business compliance with a consumer's opt-out request.		
603.	Clarify that the 15-day response requirement is met if a business, at a minimum, acknowledges receipt of the request.	In response to this comment, the regulation has been modified to state that the business "shall comply with a request to opt-out" as soon as feasibly possible, but no later than 15 business days from the date the business receives the request. Merely acknowledging receipt of the request is inconsistent with the language, structure, and intent of the CCPA as it does not provide any structure to when the business must comply with the request. For the reasons stated in the ISOR, including a timing requirement for businesses to effectuate a consumer's opt-out provides clarity for businesses and promotes timely action for consumers exercising their request. ISOR, p. 24.	W112-12	00838
- § 999.315(f)				
604.	Eliminate § 999.315(f)'s requirement to instruct all third parties to whom businesses sold the personal information of a consumer within 90 days prior to the receipt of a request to opt out to not sell that information because it: (1) is unauthorized by and inconsistent with the CCPA; (2) is unnecessary, including because of the data broker registry; (3) is not supported by any factual record; (4) is contrary to the doctrine of prospective application of laws; (5) is too burdensome, impractical, or unfeasible, including because businesses may not be able to contact a consumer to confirm notification if the opt-out	Accept in part. The regulation has been modified to apply prospectively and now provides that if a business sells a consumer's personal information to any third parties after the consumer submits their request, but before the business complies with that request, it shall notify those third parties that the consumer has exercised their right to opt-out and shall direct those third parties not to sell that consumer's information. See FSOR, § 999.315(f). The OAG does not agree with all the reasons provided in the comments, but has made this modification to address both business practicalities and consumer rights. Given the modification, these comments are now moot.	W27-2 W53-14 W54-11 W55-11 W60-9 W60-10 W60-11 W60-12 W63-20 W69-4 W70-5 W73-16 W74-12	00087-00089 00250 00265 00282-00283 00323-00324 00324 00324 00325 00378 00441-00442 00502-00503 00521-00522 00530

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	request was made by a user plug-in; (6) does not provide consumers with meaningful choice or benefit and will undermine their preferences, including by causing them to lose online offerings; (7) will lead to businesses having to collect and exchange even more consumer personal information; (8) is unclear in how an instruction not to further sell would be enforced; (9) unconstitutionally impairs contractual rights; (10) doesn't account for the fact that businesses may not be in an ongoing contractual relationship that would allow one to prevent the other from selling information; and (11) is too confusing, including in whether third parties must further pass along the opt-out.		W82-5 W88-33 W91-4 W97-5 W101-19 W102-18 W102-19 W102-20 W103-18 W104-7 W112-13 W112-14 W112-15 W112-16 W114-11 W119-10 W119-11 W123-13 W127-6 W145-17 W148-15 W150-12 W152-2 W155-5 W161-19 W162-42 W177-18 W181-3 W183-2 W184-9 W189-9	00582 00635-00636 00656-00657 00699-00700 00745 00763 00763 00763-00764 00781 00789 00839-00840 00839, 00840 00839, 00840 00839, 00840 00868 00928 00928 00958 00982, 00989 01114 01155-01156 01175 01191-01192 01207, 01212-01213 01309-01311 01348-01350 01489 01516-01517, 01520 01528, 01529 01540 01584-01585

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			W190-34 W192-1 W202-8 W204-11 W207-5 OLA21-2 OSF5-3	01602 01610-01612 01660-01661 01674, 01686-01687 01708-01709 LA 88:14-89:15 SF 27:14-28:12
605.	The SRIA did not consider the fiscal implications of § 999.315(f), specifically the burden on business of imposing a retroactive requirement and the practical difficulties of implementing the provision in the ad-tech context.	No change has been made in response to this comment. The OAG has modified the provision to be prospective rather than retroactive in response to other comments, and thus, this comment is now moot. See response #604.	W27-2 W162-42	00087-00089 01348-01349
606.	Modify regulations to state businesses that inform service providers and third parties that a consumer has opted out of the sale of personal information are compliant with the regulations and CCPA regardless of what the service provider or third party does in response to being notified on a request to opt out. Because there is no consensus about what constitutes a sale, comment is concerned that service providers and third parties will interpret it differently.	No change has been made in response to this comment. Comment raises a specific concern about the CCPA's application that must be addressed by legal counsel who is fully aware of the factual scenario and applicable compliance requirements. A business's liability under the CCPA requires a fact-specific determination. The regulation provides general guidance for CCPA compliance. Modifying the regulation to account for this level of detail adds complexity to the rules without providing identifiable benefits.	W53-18	00253
607.	Eliminate the requirement for businesses to notify third parties of a consumer's opt-out request. Instead, it proposes that business direct consumers to the statewide data broker registry.	No change has been made in response to this comment. In response to other comments, § 999.315(f) has been modified to provide that if a business sells a consumer's personal information to any third parties after the consumer submits their request, but before the business complies with that request, it shall notify those third parties that the consumer has exercised their right to opt-out and shall direct those third parties not to sell that consumer's information. See response #604; FSOR, § 999.315(f). The comment's proposed change is not as effective and less burdensome to affected private persons than the proposed	W112-13	00839-00840

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		regulation. The business knows who it is selling personal information to, not the consumer. Directing the consumer to the data broker registry, which contains hundreds of data brokers, places an undue burden on the consumer to effectuate their rights.		
608.	This provision would impose opt-out requirements on data buyers/licensees regardless of whether they are covered by the CCPA, including non-profits that share data that may count as a sale. This contravenes the CCPA's intent to exclude nonprofits and companies that don't meaningfully operate in California.	No change has been made in response to this comment. The OAG disagrees with the comment's characterization that the provision would always impose opt-out requirements on data buyers and licensees regardless of whether they are covered by the CCPA. Civ. Code § 1798.140(c) sets forth the definition of "business." Whether non-profits or companies that don't meaningfully operate in California fall within the definition of "business" appears to raise specific legal questions that would require a fact-specific determination. Likewise, a data buyer or licensee's legal obligations after being notified that they should not further sell personal information it received may require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W119-12	00928
609.	There is no timeline for notification to third parties. Comment requests a reasonable timeline, such as 45 days.	No change has been made in response to this comment. In response to other comments, § 999.315(f) has been modified to provide that if a business sells a consumer's personal information to any third parties after the consumer submits their request, but before the business complies with that request, it shall notify those third parties that the consumer has exercised their right to opt-out and shall direct those third parties not to sell that consumer's information. See response #604; FSOR, § 999.315(f). The OAG disagrees that the comment's proposed timeline of 45 days is reasonable; in light of the modifications to § 999.315(f), notification to third parties should be within the 15 business day time period. This timeframe balances the burdens on businesses with the consumer's privacy.	W156-9	01231-01232

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610.	The notice to third parties not to further sell personal information shall constitute a request to opt-out from the consumer.	No change has been made in response to this comment. The comment's proposed modification is not as effective and less burdensome to affected private persons than the adopted regulation. Requiring third parties to consider the notification from the business a request to opt-out may raise logistical and operational concerns such as those raised in response to § 999.313(d)(1). See response #604; FSOR, § 999.315(f). The OAG has determined that this is the appropriate balance that addresses business practicalities and consumer's right at this time. The OAG may revisit this issue as necessary in the future.	W174-44 W174-45 OSac7-6	01457 01457 Sac 31:5-31:8
611.	Businesses should be required to inform all third parties to whom they have sold the personal information of a consumer who submits an opt-out request, not just third parties to whom they have sold that information within 90 days before receiving an opt-out request.	No change has been made in response to this comment. The OAG has deleted the 90-day lookback in response to other comments and thus this comment is now moot. See response #604; FSOR, § 999.315(f).	W17-1	00036-00037
612.	Questions 1) why businesses only need to inform third parties to whom they sold personal information within the 90 days prior to receiving an opt-out request, and whether the opt-out request applies to the preceding 12-month period; 2) whether businesses must specify the third parties' names and data categories sold to those third parties; 3) whether businesses must be explicit about what data they have collected prior to opt-out; 4) what the guidelines are for businesses to send notice to the third parties so that it is secure and auditable; 5) what the third parties must do on receipt of notice from businesses, including what proof they need to provide to show compliance and for how long they must comply; and 6) whether businesses must require any proof of compliance from the	No change has been made in response to this comment. In response to other comments, the regulation has been modified to apply prospectively and now provides that if a business sells a consumer's personal information to any third parties after the consumer submits their request, but before the business complies with that request, it shall notify those third parties that the consumer has exercised their right to opt-out and shall direct those third parties not to sell that consumer's information. See response #604; FSOR, § 999.315(f). In response to a request to opt-out, the regulations do not require businesses to disclose the names of third parties, the data categories sold to those third parties, or the data collected prior to opt-out in response to an opt-out request. However, the business may have other obligations in response to a request to know. See Civ. Code §§ 1798.100, 1798.110, 1798.115, 1798.130; § 999.313. Businesses are responsible for notifying third parties of the consumer's opt-out, and third parties are responsible, upon receiving such	W203-23 W203-24 W203-25 W203-26 W203-27 W203-28	01669 01670 01670 01670 01670 01670

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	third parties before they can close or respond to the opt-out request.	notification, for not selling the personal information of consumers who have opted out. The OAG has not addressed, at this time, the issue of what documentation is required to show compliance with these requirements.		
613.	Supports the Interactive Advertising Bureau's approach to consumers' "Do Not Sell" right, which requires businesses to pass along signals to downstream companies that indicates that a consumer has opted out of the sale of their personal information, at which point those downstream companies would conform their data collection and use practices to the role of a service provider.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations.	W82-6	00582
- **§ 999.315(g)**				
614.	The provision is overly burdensome and unworkable, particularly for small businesses, and conflicts with industry standards and the commenter's internal policies and procedures. These conflicts could negatively impact federal regulatory requirements.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. The CCPA provides consumers with the ability to authorize another person to make requests to businesses on their behalf. See Civ. Code §§ 1798.135(a)(1), (c), 1798.140(y), 1798.185(a)(7). Civil Code § 1798.145(a)(1) also provides that its obligations shall not restrict a business's ability to comply with federal law.	W108-1 W147-13	00814-00815 01131-01132
615.	Clarify that consumers may give permission to an authorized agent through electronic means.	Accept. § 999.315, subdivision (g), has been revised to include "signed" permission, and the regulations have been revised to include a definition of "signed" that conforms to the Uniform Electronic Transactions Act. See § 999.301(u).	W64-5 W64-7 W64-8	00392 00393 00394
616.	Eliminate the provision stating that user-enabled privacy controls that communicate or signal a consumer's opt-out choice shall be considered a request directly from the consumer. Comments claim that for many businesses, selling personal information is integral to performing services and that accepting user-enabled privacy controls	Accept in part. The regulation has been modified to clarify that any privacy control developed in accordance with these regulations shall clearly communicate or signal that consumer intends to opt-out of the sale of personal information. See § 999.315(d)(1). If a global privacy control conflicts with a consumer's existing business-specific privacy setting or their participation in a business's financial incentive program, the	W27-3 W61-21 W98-4 W165-12 W165-17 W165-18	00089-00090 00352-00353 00721 01375-01376, 01378 01376-01378 01377-01378

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	would result in consumers being denied services without notice. Comments also claim that existing privacy controls were designed for and in other contexts and it is not clear that consumers who use these controls intend to use them to opt-out; that requiring businesses to process deemed opt-out requests increases compliance costs and the risk of fraud; that it is not consistent with CCPA to use browser plug-in or settings to opt-out; and that it is overly burdensome and unworkable, particularly because existing technology is not now sufficiently interoperable and developed to ensure that all parties that receive such a signal can make it operable.	business shall respect the global privacy control but may notify the consumer of the conflict and give the consumer the choice to confirm the business-specific privacy setting or participation in the financial incentive program. See § 999.315(d)(2). The regulation has also been modified to clarify that its intent is to be forward-looking. The regulations do not prescribe a particular mechanism or technology but are technology-neutral in support of innovation in privacy services to facilitate consumers' exercise of their right to opt-out. The request that the OAG identify uniform mechanisms is noted, but to meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue. In drafting these regulations, the OAG has considered how best to enable consumers to exercise their rights under CCPA, while making every effort to limit the burden of the regulations for businesses implementing the CCPA. The comment has not provided sufficient evidence to show how the regulation will increase the risk of fraud. The regulations also state that if a business has a good-faith, reasonable and documented belief, it may deny a request to opt-out. See § 999.315(h). Further, to the extent the sale of personal information is integral to a business's services, the business is permitted to inform a consumer that has opted-out of that fact and provide instructions on how the consumer can opt in. See § 999.316.	W165-19 W165-20 W165-21 W202-7	01377-01378 01377-01378 01377-01378 01659-01660
- **§ 999.315(h)**				
617.	Eliminate or revise this provision. Comments claim that otherwise, malicious actors could opt consumers out of services, such as fraud prevention and identity authentication services, designed to protect those consumers or that those consumers actually want. Comments also	No change has been made in response to these comment. Unlike requests to know and requests to delete, the CCPA does not require requests to opt-out to be verified. In drafting these regulations, the OAG considered how best to ensure that consumers are empowered to exercise their rights under the CCPA while also acknowledging that there could be potential for	W14-1 W69-5 W88-34 W123-13 W155-6 W156-3	00031 00442 00636 00958 01207, 01213 01229

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	claim that malicious actors or competitors could harm businesses, particularly directory or listing services, and could spam or create burdens for businesses; and that businesses would have problems matching requests to consumers in their records. Comments suggest eliminating the provision or allowing a business to request additional information from requestors to make sure a request is not fraudulent, to verify requests using similar risk-based procedures as those for other consumer requests (particularly as it pertains to directory or listing services), to deny opt-out requests if they are unable to match a request to a consumer in their records, to deny unverified opt-out requests other than opt-outs for advertising or marketing, and to deny or verify a request if the opt-out pathway is easily attackable in a fraudulent manner.	abuse. The proposed regulation balances these concerns by placing minimal barriers to a consumer's ability to opt-out, while providing businesses the ability to deny requests that they believe are fraudulent as long as they inform the consumer and document their good-faith and reasonable belief. See § 999.315(h). The comment's proposed modifications are not more effective in carrying out the purpose and intent of the CCPA because they disproportionately increase the burdens on consumers seeking to opt-out.	W163-1 W182-7 OFres2-4	01360-01361 01525-01526 Fres 16:5-16:17
618.	Supports authorization for businesses to decline opt-out requests believed to be fraudulent.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulation, so no further response is required.	W103-15	00780
619.	Businesses should be able to deny requests that they cannot in good faith determine are "from the consumer." Although the CCPA does not specify that an opt-out request needs to be verifiable, it contemplates that it must be "from the consumer," and this is a different standard than what the regulation requires. At a minimum, the regulation should clarify whether "fraudulent" is intended to mean something other than the submission of a request by a person who is not the consumer to whom the	No change has been made in response to this comment. It is not necessary to adopt the proposed change because the regulation is reasonably clear and the term "fraudulent" has a plain meaning that would encompass requests that are not from the consumer or the consumer's authorized agent.	W196-17	01630

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	personal information relates and is not such person's authorized agent.			
620.	Regulations should clarify that business can take reasonable steps to ensure that individual making opt-out request is a California resident.	No change has been made in response to this comment. The scope of the regulation is reasonably clear. Businesses are not prohibited from determining if the request is from a "consumer," as that term is defined in Civ. Code § 1798.140(g).	W112-9	00835-00836
621.	Eliminate the requirement that businesses disclose the reason why a suspected fraudulent request is believed to be fraudulent, or clarify that businesses should only provide a high-level summary. The proposed regulation creates security risks for consumers and businesses, and bad actors can use the provided reason to create more convincing fraudulent requests.	No change has been made in response to these comments. In drafting these regulations, the OAG considered how best to ensure that consumers are empowered to exercise their right to opt-out, which does not require verification, while acknowledging that there may be potential for abuse. Disclosing the reason why the business believes the request is fraudulent provides transparency to the consumer. The regulations do not specify the level of detail and businesses have discretion to provide a high-level summary provided that they are not acting in bad-faith.	W162-43 W186-8	01350-01351 01549
622.	Supports the regulation stating that opt-out requests need not be verifiable. There is little risk of fraudulent opt-out requests and de minimis injury to consumers. Businesses should be prohibited from requiring extensive proof of identity for opt-out requests.	The OAG appreciates this comment of support. The comment concurred with the proposed regulations, so no further response is required. The comment's proposal that businesses should be prohibited from requiring extensive proof for identity is unnecessary because its concept is encompassed within the language of § 999.315(h). In drafting the regulation, the OAG considered and balanced the risk of fraudulent opt-out requests and the importance of allowing consumers to easily opt-out of the sale of their personal information. The OAG determined that not requiring verification for opt-out requests and allowing businesses to deny such requests only under limited circumstances is more effective in implementing the CCPA and carrying out its purpose and intent than simply prohibiting businesses from requiring extensive proof of identity.	W174-46 W200-3	01457-01458 01650

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§ 999.316. Request to Opt-In After Opting Out of the Sale of Personal Information				
- § 999.316 generally				
623.	Asserts that "opt-out of sale" provisions in CCPA (Civ. Code § 1798.120) and 999.316 do not apply to public utilities.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change these regulations.	W36-2	00137
624.	Amend provision to state it does not apply if the business does not sell personal information, in accordance with exemption in 999.306(d).	No change has been made in response to this comment. Amending the regulation is not necessary to effectuate the purpose of the CCPA. Section 999.301(t) defines "request to opt-in" as the affirmative authorization that the business may sell personal information about the consumer by a consumer who had previously opted out of the sale of their personal information, or by a minor (or their parent). If the business does not sell personal information, then a consumer could not make a request to opt-in. See also Civ. Code § 1798.120; § 999.306(d).	W42-14	00184
- § 999.316(a)				
625.	Requests more guidance regarding how business establishes opt-out and opt-in requirements.	No change has been made in response to this comment. The regulation is meant to apply to a wide-range of factual situations and across industries. The OAG does not believe that providing more direction is necessary and the comment does not provide enough detail as to what needs further guidance.	W83-3 W179-6	00586 01505
626.	Amend § 999.316(a) so instead of two-step process for consumer to opt-in after opting-out, consumer need only expressly opt-in or demonstrate an intentional decision to opt-in. Commenters claim that the two-step process is unnecessary, needlessly complex, burdensome, and difficult to do in real-time. Commenters also claim that it provides consumers with less choice. Businesses need more flexibility.	No change has been made in response to this comment. The comment's proposed change is not as effective and less burdensome to consumers than the adopted regulation. Section 999.316(a)'s two-step process is necessary because it provides consumers the opportunity to correct an accidental choice to opt back into the sale of their personal information, and provides businesses additional assurance that the consumer made a clear choice to opt-in. See ISOR, p. 26. The OAG believes the regulations provide enough choice for consumers and that it is more burdensome and confusing for consumers who accidentally opt-in to have to opt-out again. It also provides enough flexibility for businesses to determine how to implement	W98-7 W101-20 W136-7 W145-18 W148-18 W161-20 W162-44 W181-4 W184-10 W190-36 W204-9	00722 00745 01052 01114-01115 01157 01311 01351 01517 01541 01602 01684-01685

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		the two-step process. It does not mandate the form of the two-step process. Also, consumers are unlikely to be confused about confirming their choice because it happens regularly in similar situations.		
627.	Amend § 999.316(a) so instead of two-step process for consumer to opt-in after opting-out, consumer confirms opt-in request in writing or the business take steps to confirm the requester is the consumer.	No change has been made in response to this comment. The comment's proposed change is not as effective and less burdensome to affected private persons than the adopted regulation. Requiring consumers to confirm opt-in requests in writing is more burdensome for consumers, as is requiring consumers to verify their identity to opt back in.	W145-18	01114-01115
628.	Remove two-step process for consumer to opt-in after opting-out because inconsistent with data protection principles that usually do not require additional consent for the use of data that is consistent with the context in which consumer receives the service.	No change has been made in response to this comment. The comment's proposed change is not as effective and less burdensome to affected private persons than the adopted regulation. The comment's summary of data protection principles only apply if the consumers have consented to the use of their data, but § 999.316(a) deals with consumers that opt-out of the sale of their personal information.	W69-22 W98-7 W123-13	00461 00722 00958
629.	Remove two-step process for consumer to opt-in after opting-out because inconsistent with Civ. Code §§ 1798.115 and 1798.120 and § 999.305(a)(3) of the proposed regulations.	No change has been made in response to this comment. The OAG disagrees with the comment's interpretation of the CCPA. The regulation is consistent with the language, structure, and intent of the CCPA. No inconsistency exists because this regulation deals with consumer opt-in after opting-out of the sale of personal information, whereas the comment's cited provisions of the CCPA (Civ. Code § 1798.115; 1798.120) and § 999.305(a)(3) deal with consumers who have not yet opted out of the sale of their personal information.	W98-7	00722
630.	Remove two-step process for consumer to opt-in after opting-out because OAG lacks authority under the CCPA to promulgate this regulation.	No change has been made in response to this comment. Civil Code § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. For the reasons set forth in the ISOR, the regulation is necessary. ISOR, p. 26.	W101-20 W148-18	00745 01157

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- § 999.316(b)				
631.	Amend § 999.316(b) to state business may inform consumer why the transaction requires the sale of their personal information and what parts of the personal information must be sold, along with instructions on how consumer can opt-in to the sale of their personal information.	No change has been made in response to this comment. In drafting these regulations, the OAG has considered how much information a business must provide when a transaction required the sale of a consumer's personal information. The OAG does not believe the additional disclosure of why the transaction requires the sale of personal information and what parts of personal information must be sold is necessary to effectuate the purposes of the CCPA because this information should already be included in the business's privacy policy. Requiring additional disclosures may also be overly burdensome to businesses and consumers. Consumers will already be demonstrating their certain and unequivocal decision to opt-in through the two-step process. With regard to instructions on how consumers can opt-in to the sale of their personal information, it is already included in the regulation.	W74-31	00535
§ 999.317. Training; Record-keeping				
- § 999.317(a)				
632.	Supports § 999.317(a) requirement that a business provide adequate training for employees on all requirements in the regulations.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulation, so no further response is required.	W115-59	00896
633.	Requests specific guidance regarding training. Comments asked whether there are certified training programs that trainers can attend, how businesses can find a qualified trainer, and for a plain-language guide that businesses can provide to individuals responsible for handling consumer inquiries or compliance, so that there is consistent training and application.	No change has been made in response to this comment. The comment's proposed regulation is not more effective in carrying the purpose and intent of the CCPA. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. The handling of consumer inquiries and compliance may be business- and context-specific, and prescribing specific training may not best address the different ways in which businesses may choose to implement the requirements of § 999.317.	W45-26 W203-29	00206 01670

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634.	Clarify that the regulation applies to employees that a business specifically designates to respond to requests, not all employees that could potentially be asked questions. Comments claim that brick-and-mortar businesses should be able to affirmatively designate employees who will be charged with handling consumer requests so that businesses can have duly trained employees who are responsible for satisfying § 999.317(a) and (g)'s requirements. Consumers may directly encounter many employees and the regulations do not give businesses the ability to determine the appropriate channels for handling consumer inquiries.	No change has been made in response to this comment. The regulation does not state that the business has to train all employees but all individuals responsible for handling consumer inquiries about the business's privacy practice or the business's compliance with the CCPA. This is required by the CCPA. See Civ. Code §§ 1798.130(a)(6), 1798.135(a)(3). The regulations are meant to be robust and applicable to many factual situations and across industries, and the determination of which individuals fall within the requirements of § 999.317(a) is a fact-specific determination. Nothing in this regulation prohibits a brick-and-mortar business from affirmatively designating specific employees, so long as the business meets the obligations set forth in the regulation.	W126-19 W189-10	00978-00979 01585
635.	Focus on the primary manner in which personal information is collected, rather than the primary manner in which the business interacts with consumers. For example, if a retail store's primary manner of collecting personal information is online, instead of requiring training for all store employees, the business should be allowed to direct consumers to more appropriate methods.	No change has been made in response to this comment. The OAG disagrees with the comment's interpretation of the regulation, which does not focus on the primary manner in which the business interacts with consumers. Instead, it focuses on individuals who are responsible for handing consumer inquiries about the business's privacy practices or the business's compliance with the CCPA. The regulations are meant to be robust and applicable to many factual situations and across industries, and the determination of which individuals fall within the scope of this provision is a fact-specific determination.	W133-4	01025-01026
636.	Delete § 999.317(a) because it is vague, overly burdensome, and does not provide any additional consumer protections. Expanding the requirements in Civ. Code §§ 1798.130(a)(6) and 1798.135(a)(5) to require that employees be informed of all CCPA requirements is unhelpful, may lead to confusion, and may lead to less effective training. If there are specific CCPA sections that employees should be informed of	No change has been made in response to this request. In drafting these regulations, the OAG has considered the burden to businesses and determined that the benefits to consumers and their ability to exercise their rights outweighs the burden. ISOR, p. 27. The regulation is necessary to ensure that the individuals responsible for handling consumer inquiries about the business's privacy practices or compliance with the CCPA understand the CCPA so that they can appropriately respond to inquiries. The regulation is reasonably clear. The scope of	W162-45	01351

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	because they are related to the exercise of consumer rights, only those sections should be required.	individuals to whom it applies is the same as those identified in Civ. Code §§ 1798.130(a)(6) and 1798.135(a)(3), and the regulation clearly sets forth the information that businesses must inform such individuals.		
- **§ 999.317(b)**				
637.	§ 999.317(b) should require businesses to maintain records of consumer requests in a secure manner since they present a data breach risk.	Accept. Section 999.317(b) has been modified to include that the business shall implement and maintain reasonable security procedures and practices in maintaining these records.	W121-16	00942
638.	Delete § 999.317(b) because it exceeds the scope of the CCPA, is unnecessary and unwarranted, requires the collection of additional personal information beyond the scope of the CCPA, has no clear policy goal, and imposes burdens not tied to consumer benefits or rights.	No change has been made in response to this comment. Civil Code § 1798.185(a)(7) provides the Attorney General with the authority to establish rules and procedures to further the purposes of §§ 1798.110 and 1798.115, and § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. The regulation is necessary to specify the duration and type of information businesses must retain to demonstrate compliance with the CCPA, balances the principle of data minimization with the need to maintain records to prove compliance, and assists in the enforcement of the law. ISOR, p. 27. The OAG disagrees with the comment that § 999.317(b) requires the collection of additional personal information beyond the scope of the CCPA. The regulation requires businesses to maintain records of consumer requests and their responses. The CCPA provides consumers the right to make those requests and requires businesses to respond to them. See Civ. Code §§ 1798.100 – 1798.120, 1798.130, 1798.135.	W98-8 W101-21	00722 00745-00746
639.	Limit the records that businesses must keep to those requests that are within the control of a business, and that the business received directly, and responses that the business itself took. Comments claim that since consumer requests may be submitted through a variety of	No change has been made in response to this comment. In drafting the regulation, the OAG has made efforts to balance the burden to business with the implementation of the CCPA's purpose. Section 999.317(b) requires businesses to maintain records of consumer requests "and how the business responded to said request," and § 999.317(g) requires certain businesses to	W97-8 W161-21	00708-00709 01311

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	technologies, such as social media plug-ins or third-party analytics cookies, where the business would not have access to the records of the requests. Other comments claim that businesses should not need to keep records of requests received by other businesses or how other businesses responded. For example, in many online situations, a first-party publisher business may not have any control over or ability to know how a third-party business responds to a consumer's opt-out choice.	compile and disclose the number of requests that the business "received, complied with in whole or in part, and denied." Therefore, businesses should have access to the requests for which they must maintain records because they received or responded to those requests. Sections 999.312 and 999.315 set forth the requirements regarding the submission of requests. Section 999.312(e) addresses requests to know or to delete submitted through non-designated means, allowing businesses to respond by providing the consumer with information on how to submit the request. In response to other comments, the OAG has revised § 999.315, regarding the use of user-enabled privacy controls, to clarify the obligations of that provision. See FSOR, § 999.315(d).		
640.	It would be burdensome, costly, and unnecessary for businesses that do not sell information to track and maintain potentially sensitive records of consumer interactions involving personal-information collection, which would be "deemed" to constitute opt-out requests, and there would be no consumer benefit to doing so.	No change has been made in response to this comment. This comment is nonsensical. A consumer's right to opt-out only applies to businesses that sell personal information. Businesses that do not sell personal information would not have to track requests to opt-out.	W165-15	01376, 01378
641.	Clarify whether records created under § 999.317(b) must be disclosed or deleted if consumers so request under the CCPA. What if the business keeps the request data for longer than 24 months?	No change has been made in response to this comment. Sections 999.317(b) and (d) provides that a business shall maintain these records for at least 24 months and that maintenance of the information, where that information is not used for any other purpose, does not alone violate the CCPA. Section 999.313(d)(5) also provides that the business inform the consumer that it will maintain a record of the request as allowed by Civil Code § 1798.105(d) and that it may retain a record to ensure that the consumer's personal information remains deleted from the business's records. Further, § 999.317(c) does not require that sensitive information be maintained for record-keeping purposes. The business only needs to retain the date of the request, nature of the request, manner in which the request	W38-21 W78-13 W203-30 W203-31	00156 00558 01670 01670

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		was made, the date of the business's response, the nature of the response, and the basis for the denial of the request if the request is denied in whole or in part. There is no enumerated exception provided for by the CCPA that would prevent a business from responding to a consumer's valid request to know.		
642.	Clarify how long a company must retain records on its compliance with a consumer's request to know or request to delete.	No change has been made in response to this comment. Section 999.317(b) provides that a business must retain records of consumer requests made pursuant to the CCPA and how the business responded to said requests for at least 24 months.	W84-3	00589
643.	Clarify when the 24-month retention period starts; it should start from the date the consumer submits a request.	No change has been made in response to this comment. The regulation is reasonably clear regarding the start of the retention period. The OAG has determined that no further clarification is needed at this time.	W177-19	01489
644.	Remove the retention period, since businesses should be able to make reasonable determinations as to how long to maintain records, or reduce it to a more reasonable period, such as six months. The retention period conflicts with the CCPA's typical 12-month timeframe for many of its collection and disclosure lookback requirements and is overly burdensome, unnecessarily long, and costly to businesses without benefit to consumers, since consumers already know how businesses responded to their requests.	No change has been made in response to this comment. In drafting the regulations, the OAG weighed the burden to the business with its mandate to adopt regulations to further the purposes of the CCPA. The 24-month time frame balances the principle of data minimization with the need to maintain records to prove compliance. It is reasonably necessary to demonstrate compliance with the CCPA and to assist in the enforcement of the law. ISOR, p. 27. Section 999.317(b) also addresses questions regarding recordkeeping that were raised during the OAG's preliminary rulemaking activities and benefits businesses by giving them clear direction on how to comply with the law.	W197-8 W147-16 W168-6	01635 01134-01135 01399-1400
- § 999.317(c)				
645.	Supports the flexibility provided in § 999.317(c), which recognizes that businesses will use a variety of formats and methods for accepting consumer requests.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulation, so no further response is required.	W97-8	00708-00709
646.	Delete § 999.317(c) because it exceeds the scope of the CCPA and is unnecessary.	No change has been made in response to this comment. Civ. Code § 1798.185(a)(7) provides the Attorney General with the	W101-21	00745-00746

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		authority to establish rules and procedures to further the purposes of §§ 1798.110 and 1798.115, and § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. This regulation is necessary to specify the type of information businesses must retain to demonstrate compliance with the CCPA, balances the principle of data minimization with the need to maintain records to prove compliance, and assists in the enforcement of the law. See ISOR, p. 27.		
647.	Clarify "nature of request" and "manner in which the request was made" so that these terms are not ambiguous.	No change has been made in response to this comment. The regulation is reasonably clear and these terms have plain meanings. The OAG has determined that no further clarification is needed at this time.	W25-1	00066
- **§ 999.317(e)**				
648.	Businesses should be allowed to use information maintained for record-keeping purposes for other purposes as well, such as for security and anti-fraud purposes, to meet legal obligations, for implementing consumer requests, improving the business's response processes, for other purposes contemplated in the CCPA and the regulations or consistent with their objectives, and for other reasonable and disclosed purposes.	Accept in part. Section 999.317(e) has been modified to allow businesses to use the information as reasonably necessary to review and modify their processes for compliance with the CCPA and these regulations. The comment's proposed change to allow businesses to use the information for any other reasonable and disclosed purpose is overly broad such that businesses could use this language in a manner that would not further the purpose and intent of the CCPA.	W26-7 W53-24 W112-32 W115-64 W124-12 W140-6 W186-37 W196-3 OSac5-3	00076-00077 00257 00852 00897 00965 01080 01559 01627-01628 Sac 23:15-24:7
649.	Clarify that the scope of § 999.317(e) is limited to personal information.	No change has been made in response to this comment. The scope of the regulation is reasonably clear. The OAG has determined that no further clarification is needed at this time.	W112-32	00852
- **§ 999.317(f)**				
650.	Clarify that the phrase "aside from this record-keeping purpose" refers to the purpose stated in § 999.317(e).	Accept in part. Section 999.317(f) has been modified to state "other than as required by subsection (b)," a business is not required to retain personal information solely for the purpose of fulfilling a consumer request made under the CCPA. Subsection	W177-20	01489

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		(b), not subsection (e), sets forth the record-keeping requirement.		
- **§ 999.317(g) generally**				
651.	Supports the provisions in § 999.317(g), which will help ensure that businesses respond appropriately to consumer requests.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further comment is required.	W174-47	01458
652.	Eliminate § 999.317(g) because it exceeds the scope of the Attorney General's authority and the bounds of the CCPA.	No change has been made in response to this comment. Civ. Code § 1798.185(a)(7) provides the Attorney General with the authority to establish rules and procedures to further the purposes of §§ 1798.110 and 1798.115, and § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. For the reasons set forth in the ISOR, the OAG has determined that the regulation is necessary and that the value of public disclosure outweighs the burdens. ISOR, p. 28.	W42-25 W69-34 W70-6 W73-17 W88-35 W98-8 W102-28 W103-23 W112-25 W114-12 W117-14 W123-13 W127-7 W148-19 W150-13 W152-7 W155-19 W162-20 W162-46 W168-5 W186-31 W190-37 W202-9 OLA21-1 OLA21-3	00185 00460-00461 00503 00522-00523 00636 00722 00773-00774 00782 00846-00847 00869 00920 00958 00982, 00989-00990 01158-01159 01175-01176 01196 01208, 01221 01330-01334 01352-01353 01399 01556 01602-01603 01661-01662 LA 64:20-67:9 LA 89:16-90:13

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			OLA23-3	LA 74:18-75:14
653.	Compilation and disclosure of the metrics is unnecessary and unreasonable, in violation of the APA, and imposes burdens on businesses without proportionate benefits to consumers. Comments claim that it is unclear who plans to use the disclosed metrics and how they would be helpful, and that disclosure is unnecessary because there is no private right of action. The metrics do not provide consumers with greater understanding of or control over their privacy rights, increase understanding of how CCPA rights are being exercised or complied with, or accurately reflect how a business's responses compare with other businesses, and appear to just be aimed at enforcement rather than consumer benefit. The requirements, including the average number of days it takes to provide a response and by how many days a company beats the CCPA's 45-day deadline, are onerous, especially for small business, are unnecessary, and do not reflect on a business's compliance with the CCPA. They may portray businesses, especially small businesses, in a negative light despite good-faith efforts to comply. Consumers may be confused by the metrics, misunderstand them to represent legal standards, be frustrated if their request takes longer than average, and be discouraged from making requests if they see a large number of denials. Comments also claim that the regulations are not likely to improve the behavior of businesses, will incentivize lax verification processes and hasty responses, and	No change has been made in response to these comments. Civil Code § 1798.185(a)(7) provides the Attorney General with the authority to establish rules and procedures to further the purposes of §§ 1798.110 and 1798.115, and § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. In drafting these regulations, the OAG has considered and balanced the impact to businesses and the benefit to consumers and, for the reasons set forth in the ISOR, has determined that the regulation is necessary and that the value of public disclosure outweighs the burdens. ISOR, p. 28. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA, and has limited the requirements of § 999.317(g) to those businesses that handle a large volume of personal information (see ISOR, p. 28) and, in response to other comments, revised the threshold to 10 million (see response #663 and FSOR, § 999.317(g)). It should not be onerous for a business that must comply with § 999.317(g) to provide that information in the business's privacy policy. As stated in the ISOR, the regulation is necessary to inform the Attorney General, policymakers, academics, and members of the public about businesses' compliance with the CCPA. (ISOR, p. 28.) Public disclosure benefits consumers, including because it promotes transparency and accountability, which will help ensure compliance with the CCPA and the ability of consumers to exercise their rights. These benefits exist regardless of how a business's responses compare to those of other businesses, and the OAG disagrees with the comment's assertion that the regulation lacks consumer value because they do not provide insight about the comparative responses of businesses. The OAG disagrees with the comment's assertion that disclosure of the median or mean number of days does not reflect on compliance.	W26-8 W42-25 W43-6 W65-5 W69-34 W70-6 W73-17 W98-8 W102-26 W102-27 W103-23 W104-9 W104-10 W112-25 W115-61 W115-62 W115-63 W117-14 W117-15 W117-17 W123-13 W129-20 W130-1 W137-6 W147-17 W148-19 W150-13 W151-10 W152-7 W155-19 W162-46 W164-4	00077-00078 00185 00190 00403 00460-00461 00503 00522-00523 00722 00771-00773 00772-00773 00782 00789 00789-00790 00846-00847 00896-00897 00896-00897 00896-00897 00920-00921 00920-00921 00920-00921 00958 01010 01013 01058-01059 01135-01136 01158-01159 01175 01186 01196 01208, 01221 01352-01353 01366-01367

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	may incentivize fraudsters looking to attack companies with fraudulent requests, for example by allowing them to target businesses with high rates of complying with requests.	While more information could be obtained by requiring disclosure of the number of days the business took to respond to each request, the OAG considered the burden on businesses and determined that the median or mean number of days would suffice to gauge overall response time. The purpose of the regulation is not for businesses to respond to requests more quickly than is required by the CCPA but rather to ensure compliance with the CCPA and to gauge the effectiveness of the regulations. The comment provides no evidence or support for the assertions that businesses will be portrayed in a negative light or that consumers may misunderstand the metrics to represent legal standards, become frustrated if their request takes longer than average, or be discouraged from making requests if they saw a large number of denials. Further, § 999.317(g)(3) has been added to allow businesses to contextualize the number of requests that it denied because they were not verifiable, were not made by a consumer, or called for information exempt from disclosure, or based on other grounds. See response #664 and FSOR, § 999.317(g)(3). This allows a business to provide additional clarifying information to consumers that would explain the underlying reasons for denials. Additionally, the transparency and accountability benefits of public disclosure of a business's denials outweighs any speculative impact that reporting may have on consumers' willingness to submit requests. The comment provides no evidence or support for the assertion that disclosure will incentivize lax verification, hasty responses, or fraudulent requests. In addition, the regulations prohibit businesses from disclosing any specific pieces of personal information if they cannot verify the identity of the requestor (§ 999.313(c)(1)) and require businesses to establish, document, and comply with a reasonable method for verifying the identity of individuals who submit requests to know or requests to delete. See § 999.323.	W168-5 W179-10 W181-5 W186-31 W190-37 W202-9 OLA21-3	01399 01505 01517-01518 01556 01602-01603 01661-01662 LA 89:16-90:13

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		They also allow businesses to deny opt-out requests for which they have a good faith, reasonable, and documented belief to be fraudulent. See § 999.315(h).		
654.	The ISOR does not support the necessity for § 999.317(g) and did not adequately consider alternatives, such as alternatives from other privacy regimes like an intake mechanism for consumer complaints, periodic audits, or internal compliance documentation. The OAG should focus on ensuring compliance through investigations and enforcement.	No change has been made in response to this comment. The OAG disagrees with the comment's assertion that the ISOR does not support the necessity for the regulation and did not adequately consider alternatives. As stated in the ISOR and FSOR, the compilation and reporting metrics are reasonably necessary to measure compliance with the CCPA and to further the purpose of the CCPA to empower consumers by giving them control over their personal information. In addition, public disclosure of the metrics will enable academics, consumer advocates, business groups, and others to research and analyze this data. This will benefit both consumers and businesses by providing useful information that may be leveraged to improve consumers' ability to exercise their rights and businesses' compliance with the CCPA, including by assisting the OAG in its enforcement efforts. See ISOR, p. 28; FSOR, § 999.317(g). The OAG has considered the burden to businesses and has limited the public disclosure to businesses that handle a large volume of personal information, revising the regulation in response to public comments. *Id.* The OAG has also considered alternatives like intake mechanisms and non-public reporting of metrics, however, they would not be as effective in measuring and enforcing compliance because it would not allow for public research and transparent data analysis. Further, the CCPA already permits the OAG to ensure compliance through investigations and enforcement (Civ. Code § 1798.160(a), 1798.185(c)) and the reports required under § 999.317(g) assist the OAG in performing these actions.	W148-19 W162-46	01158-01159 01352-01353
655.	Clarify that the requirements of § 999.317(g) do not apply to businesses that do not sell or receive personal information. Comments claim	No change has been made in response to this comment. The regulation is clear that it applies to businesses that know or reasonably should know that they buy, receives for the	W45-27 W129-20	00206 01010

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	that the requirements should be limited to businesses that buy or sell personal information and that they should not apply to businesses that do not do so except as incidental to the sale or transfer of a consumer's contractual obligation that is the object of the sale or transfer.	business's commercial purposes, sells, or shares for commercial purposes, the personal information of 10,000,000 or more consumers in a calendar year. Civil Code § 1798.140(f) defines "commercial purpose" and 1798.140(t) defines the term "sale." The term "buy" should be understood by the plain meaning of the word. Whether the particular situations raised in the comments constitute a "sale" raises specific legal questions that would require a fact-specific determination, including whether or not there was monetary or other valuable consideration involved, the consumer directed the business to intentionally disclose the personal information, and whether the parties involved were service providers. See Civ. Code § 1798.140(t). The commenters should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
656.	Section 999.317(g) conflicts with AB 1202's (data broker registry law) voluntary approach to the publication of consumer data and with the CPRA initiative, which, if enacted, means they will conflict with even more statutory provisions.	No change has been made in response to this comment. The OAG disagrees that § 999.317(g) conflicts with the provisions of AB 1202. AB 1202 pertains to data broker registration and allows data brokers to add information regarding their data collection practices to the mandatory registry. Section 999.317(g) pertains to CCPA compliance and, for the reasons stated in the ISOR, is necessary to provide transparency and accountability to ensure compliance with the CCPA and to gauge the effectiveness of the regulations. ISOR, p. 28. The OAG need not take the same approach as AB 1202, which the comment also misconstrues. The CPRA has not been enacted. If, in the future, statutes are enacted that require modification of the regulations, the OAG will review and modify the regulations as necessary.	W127-8 W127-9 OLA21-1	00982, 00990 00982, 00989-00990 LA 64:20-67:9
657.	Section 999.317(g) lacks guidance on whether the requirements apply to personal information exempt from the CCPA and what constitutes a request that is "complied with" or "denied." Comments claim that § 999.317(g) should not	No change has been made in response to this comment. Sections 999.313(c) and (d) set forth provisions for responding to requests to know and requests to delete, including complying with and denying such requests. Section 999.315 sets forth provisions for responding to requests to opt-out, including	W69-34 W70-6 W88-35 W114-12 W123-13	00460-00461 00503 00636 00869 00958

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	include consumers whose personal information is exempt from deletion and disclosure requests, and that it should be based only on requests sent to the business's CCPA-designated methods for submitting requests.	complying with and denying such requests. In response to other comments, § 999.317(g)(3) has been added to allow businesses to identify the number of requests that it denied because they were not verifiable, were not made by a consumer, or called for information exempt from disclosure, or based on other grounds, which may include requests that were received outside of the CCPA-designated method and could not be processed pursuant to § 999.312(e). See response #664 and FSOR, § 999.317(g)(3). The addition of § 999.317(g)(3) clarifies that these constitute denials. Additional guidance is not necessary. With regard to requests from non-designated methods, § 999.312(e) gives the businesses discretion on whether to treat them as if they have been submitted in accordance with the business's designated manner. If the business treats the request as if it has been submitted in accordance with the business's designated manner, then it should be counted for § 999.317(g) purposes. If the business does not treat it as a request and instead provides the consumer with information on how to submit the request, as § 999.312(e)(2) allows, then it would not be included in the metrics.	W147-17 W148-19 W150-13 W155-19 W190-37 OLA 23-3	01135-01136 01158-01159 01175 01208, 01221 01602-01603 LA 74:18-75:14
658.	Section 999.317(g) is difficult or impossible to comply with because businesses may not be able to capture or count the number of requests, particularly deemed opt-out requests such as those from user-enabled privacy controls, or determine median response time, especially for businesses that rely on emails or other non-automated processes for many requests.	No change has been made in response to this comment. In drafting these regulations, the OAG has considered the burden to businesses. Section 999.317(g)(1)(c) requires businesses to compile the number of requests "that the business received, complied with in whole or in part, and denied." Thus, businesses should have access to the requests for which they must maintain records because they received or responded to those requests. Similarly, because the CCPA and the regulations require businesses to respond to requests within certain timeframes, businesses should be able to track their response time to ensure compliance with the CCPA. With respect to deemed opt-outs, the regulations regarding user-enabled privacy controls are intended to support innovation for privacy services that facilitate	W117-16 W202-9 W164-4	00920 01661-01662 01366-01367

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		the exercise of consumer rights in furtherance of the CCPA. These privacy controls must clearly communicate or signal that a consumer intends to opt-out of the sale of personal information, and businesses must treat these privacy controls as a valid opt-out request. See § 999.315(d)(1). To comply with the regulations, businesses must implement mechanisms to receive and respond to these opt-out requests, and therefore should be able to compile the information required by § 999.317(g). The OAG acknowledges businesses' concerns in tracking these opt-outs given that the regulation is forward-looking. The purpose of this self-reporting regulation is to provide consumers with transparency, gauge the effectiveness of the regulations, and to hold businesses that are dealing with the personal information of 10,000,000 consumers. Businesses that are managing the personal information of roughly 25 percent of California's population shall make good faith efforts to develop systems that would track their compliance with the CCPA and these regulations.		
659.	Revise § 999.317(g) to require recordkeeping information only after the date the regulations become effective.	No change has been made in response to this comment. The regulations will take effect pursuant to Gov. Code § 11343.4, and the regulation is reasonably clear that recordkeeping information can only be compiled after the regulations become effective.	W69-34 W123-13	00460-00461 00958
660.	The SRIA asserts that there is no incremental cost for collecting the information for reporting, but fails to consider that identifying California consumers is not immediately apparent nor easily accessible. Businesses will have to invest in estimating this information with the cost of simply identifying whether a company is subject to § 999.317(g), far exceeding the SRIA's estimated cost of compliance. Indeed, the commenter conducted its own cost impact analysis to conclude that the SRIA's $500-$1000	Based on industry and expert consultations, the SRIA assumed 16 hours would be needed to prepare the required reporting metrics. Given this starting point, additional considerations are relevant to respond to this comment. First, CCPA has been modified to only apply to businesses that have actual knowledge of residency. Second, the first reporting of metrics will not have to be done until July 1, 2021, and are narrowly tailored to requests that were tracked once the regulations have been finalized. For these reasons, significantly more time is available for businesses to put their automated processes, etc. in place. Finally, the number of firms that need to comply with this	W102-24 W162-20 W162-46	00770-00771 01330-01334 01352-01353

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	estimated cost of compliance could not be achieved by any organization.	section has decreased – from those that receive four million requests to those that receive 10 million, which should reduce the number of covered businesses and lower this component of aggregate compliance cost.		
-	**§ 999.317(g)(1) and (g)(2)**			
661.	Allow businesses the option to disclose the average number of days rather than requiring the median number of days.	Accept. Section 999.317(g)(1)(d) has been modified to allow businesses to provide either the median or mean number of days.	W69-34 W114-13 W123-13 W148-19 W155-19 W190-37	00460-00461 00870 00958 01158-01159 01208, 01221 01602-01603
662.	Clarify whether the reporting requirement is calculated on an annual or lifetime basis; requirement should be calculated on an annual basis. The term "annually" is undefined, vague, and ambiguous in violation of the APA.	Accept. Section 999.317(g) has been modified to replace "annually" with "in a calendar year" and § 999.317(g)(2) has been revised to add that disclosure shall be made "by July 1 of every calendar year."	W102-21 W156-6 W166-13	00765-00766 01231 01386
663.	Raise the threshold, such as to 10 million consumers, so that start-up businesses, small businesses, and mid-market businesses are not overly burdened.	Accept. Section 999.317(g) has been modified to increase the threshold to 10 million.	W82-3 W166-12 OSF22-7	00581 01386 SF 79:18-79:21
664.	The required metrics and their publication would not provide meaningful information and would lead to consumer confusion because the numbers themselves do not mean anything and do not explain the underlying reasons for denial or shed light on CCPA compliance. Some commenters suggest that the provision be deleted in its entirety.	Accept in part. Section 999.317(g)(3) has been added to allow a business to contextualize the number of requests that it denied because they were not verifiable, were not made by a consumer, or called for information exempt from disclosure, or based on other grounds. This allows a business to provide additional clarifying information that would explain the underlying reasons for denials. See FSOR, § 999.317(g)(3). The comment's proposal to delete the regulation is not as effective in carrying out the purpose and intent of the CCPA. See ISOR, p. 28.	W54-13 W69-34 W70-6 W73-17 W102-26 W102-27 W117-15 W123-13 W147-17 W148-19 W155-19 W190-37	00266 00460-00461 00503 00522-00523 00771-00772 00772-00773 00920-00921 00958 01135-01136 01158-01159 01208, 01221 01602-01603

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			W197-8 W204-4	01635 01678-01679
665.	The provision should be deleted because compiling metrics may not be feasible because businesses may not be able to determine if a request is made by a California consumer but may respond anyway. Variability among businesses as to whether to count these requests could skew the metrics.	Accept in part. Section 999.317(g)(4) has been added to allow businesses to compile and disclose the required information for requests received from all individuals, rather than only for requests received from consumers. Businesses shall state whether they have done so in their disclosure. See FSOR, § 999.317(g)(4). The comment's proposal to delete the regulation is not as effective in carrying out the purpose and intent of the CCPA. See ISOR, p. 28.	W164-4 W204-4	01366-01367 01678-01679
666.	Clarify that businesses honoring requests for individuals other than California consumers may disclose the information required in § 999.317(g) for all requests received and need not report California information separately. Comment proposes language stating that the business not be required to compile or disclose statistics for CA requests separately.	Accept in part. Section 999.317(g)(4) has been added to allow businesses to compile and disclose the required information for requests received from all individuals, rather than only for requests received from consumers. Businesses shall state whether they have done so in their disclosure and shall, upon request, provide to the Attorney General the information for requests received from California consumers. The comment's proposed language is not as effective in carrying out the purpose and intent of the CCPA because it does not require disclosure of whether the business has included requests from individuals other than California consumers and does not provide that businesses must provide information specific to California consumers to the Attorney General upon request. The FSOR explains why these provisions are necessary. See FSOR, § 999.317(g)(4).	W112-26	00847-00848
667.	Clarify the timeframes for when businesses must compile and disclose the required metrics to give businesses adequate time to process and publish the metrics. Commenters propose delaying disclosure and/or compilation requirements, for example until 1/1/2021 or one year after the regulation takes effect, to allow businesses to	Accept in part. Section 999.317(g)(2) has been modified to clarify that disclosure of the required metrics for the previous calendar year need to be disclosed by July 1 of every calendar year. In response to other comments, the OAG also modified § 999.317(g) to replace the phrase "annually" with "in a calendar year." See response #662. The OAG does not believe additional clarification or a delay in recordkeeping or disclosure obligations is necessary. The regulations will take effect pursuant to Gov.	W131-7 W156-6 W162-46 W187-8 W190-37	01018 01231 01352-01353 01569 01602-01603

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	build necessary systems to comply with the requirement.	Code § 11343.4, and the regulation is reasonably clear that recordkeeping information can only be compiled after the regulations become effective . The regulation is reasonably clear that businesses subject to § 999.317(g) in 2020 will need to disclose the metrics set forth in § 999.317(g)(1) by July 1, 2021.		
668.	Section 999.317(g) requires the collection of more personal information, such as residence information, which violates the principle of data minimization and the spirit of the CCPA.	Accept in part. The regulation has been modified to include a "knows or reasonably should know" standard. The OAG disagrees with the comment that § 999.317(g) requires the collection of any other additional personal information. The regulation only requires businesses to compile and disclose the number of requests received, complied with, and denied, along with the median or mean number of days within which the business substantively responded to requests.	W69-34 W102-25 W123-13 W190-37	00460-00461 00771 00958 01602-01603
669.	Eliminate § 999.317(g) because the 4 million threshold is arbitrary.	No change has been made in response to this comment. In response to other comments, § 999.317(g) has been revised to increase the threshold to 10 million. See response #663 and FSOR, § 999.317(g). The OAG disagrees with the comment that the threshold is arbitrary. The OAG weighed the benefit of public disclosure of the required information and the burden on businesses to compile and post that information, and limited the requirement to those businesses that handle a large amount of personal information. The 10 million threshold amounts to approximately 25% of California's total population.	W69-34 W73-17 W117-14 W123-13 W137-6 W186-31 W190-37 W202-9 W204-4	00460-00461 00523 00920-00921 00958 01058-01059 01556 01602-01603 01661-01662 01678-01679
670.	Section 999.317(g) lacks guidance on how to calculate the 4 million threshold. It is unclear whether it applies to all individuals or just California consumers. It is also unreasonably vague because it is often difficult, costly, or impossible to know the residence of some consumers or the total quantity of unique individuals about whom information has been collected. Comments claim it should only apply where a company has actual knowledge that it	Accept in part. The regulation has been modified to include a "knows or reasonably should know" standard. The OAG disagrees with the comment the regulation lacks guidance on how to calculate the threshold. Section 999.317(g) states that the threshold is to be calculated based on the number of consumers whose personal information a business buys, receives for commercial purposes, sells, or shares for commercial purposes in a calendar year. The terms "consumers," "personal information," "commercial purpose," and "sells" are defined in Civ. Code § 1798.140. Civil Code § 1498.140(g) specifically	W57-23 W73-17 W102-23 W102-24 W115-60 W156-6 W204-4	00307 00522-00523 00768-00769 00769-00771 00896 01231 01678-01679

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	has collected personal information for 4 million California residents and that the threshold calculation should not include consumers whose information is exempt from the CCPA's disclosure and deletion requirements.	defines consumers as a natural person who is a California resident. Civil Code § 1798.145(k) also states that businesses are not required to collect personal information that they would not otherwise collect in the ordinary course of their business. Additionally, in response to other comments, § 999.317(g)(4) has been added to allow businesses to compile and disclose the required information for requests received from all individuals, rather than only for requests received from consumers. See response #666; FSOR, § 999.317(g)(4).		
671.	If the OAG does not eliminate § 999.317(g), include a phase-in for businesses that newly cross the 4-million threshold.	No change has been made in response to this comment. In response to other comments, the OAG revised § 999.317(g) to increase the threshold to 10 million and to replace the phrase "annually" with "in a calendar year." Section 999.317(g)(2) was also modified to require disclosure by July 1 of every calendar year for the previous calendar's metrics. See response #662, 663, 667; FSOR, § 999.317(g). These revisions sufficiently clarify that the threshold applies for each calendar year and that businesses have until July 1 to disclose the required information for the previous calendar year. The comment does not provide any support to justify additional modifications to the text.	W151-10	01186
672.	The 4 million threshold is too high and would exempt many mid-sized businesses that should be required to compile and disclose the required information. All businesses that have annual gross revenues in excess of $25 million or derive 50% or more of their annual revenues from selling consumers' personal information should be required to compile and disclose the information required by § 999.317(g).	No change has been made in response to this comment. In drafting the regulation, the OAG considered the burden on businesses and, as stated in the ISOR, balanced the burden with the benefits of compilation and public disclosure by limiting the requirements to those businesses that handle a large amount of personal information. ISOR, p. 28. In response to other comments, which expressed concern about the burden to startup businesses, small businesses, and mid-market businesses, § 999.317(g) has been revised to increase the threshold to 10 million. See response #663; FSOR, § 999.317(g).	W174-48	01458-01459
673.	Clarify that sharing personal information with a service provider does not constitute "sharing for	No change has been made in response to this comment. Whether a business's sharing of personal information with a service provider is for a commercial purpose is a fact-specific	W60-29	00337-00338

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	commercial purposes" for purposes of meeting the threshold in § 999.317(g).	determination. Civil Code § 1798.140(f) defines "commercial purposes," to include "inducing another person to … provide, …products, … information, or services… or effecting … a commercial transaction." To the extent businesses retain service providers to share personal information with third parties for a commercial purpose, then that sharing may be reportable pursuant to § 999.317(g). Civil Code § 1798.140(t)(2) provides that the sharing of personal information with a service provider for a business purpose is not a "sale," assuming that business has satisfied the relevant obligations.		
674.	The term "commercial purposes" is unclear, vague, and extremely broad. Clarify whether it encompasses or excludes business purposes and what types of activities constitute "receipt" for commercial purposes.	No change has been made in response to this comment. Civil Code § 1798.140(f) defines the term "commercial purposes." The phrase "alone or in combination, annually buys, receives for the business's commercial purposes, sells, or shares for commercial purposes" is identical to the language in Civ. Code § 1798.140(c)(1)(B). The term "receives" has a plain-term meaning, as used throughout the CCPA and the regulations.	W102-22 W129-20 W130-1 W162-46 W187-8	00766-00768 01010 01013 01352-01353 01569
675.	Establish a carve-out for businesses that do not derive 50% or more of their annual revenue from selling consumers' personal information.	No change has been made in response to this comment. In drafting the regulation, the OAG has considered the burden to businesses. The OAG determined that the value of public disclosure outweighs the burden to businesses that handle a large amount of personal information. ISOR, p. 28. Even if a business does not derive 50% or more of its annual revenue from selling personal information, it may be subject to the CCPA because it handles a significant volume of consumers' personal information. The regulation is necessary for businesses that buy or sell a large amount of personal information, or that receive or share it for the business's commercial purposes, in order to provide transparency and accountability to ensure compliance with the CCPA and to gauge the effectiveness of the regulations.	W168-5	01399
- **§ 999.317(g)(2)**				
676.	Eliminate § 999.317(g)(2). Businesses may provide records to the Attorney General on	No change has been made in response to this comment. The comment's proposed change is not as effective in carrying out	W53-22 W54-13	00256 00266

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	request. Comments claim that publication serves no statutory purpose and is unnecessary, including because the Legislature refused to provide a private right of action and the proposed regulations already require businesses to maintain records that the Attorney General can access.	the purpose and intent of the CCPA and in ensuring compliance with the CCPA. The OAG has determined that the value of public disclosure for accountability and to gauge the effectiveness of the regulations outweighs the burden of public disclosure. As stated in the ISOR, public disclosure is necessary to inform the Attorney General, policymakers, academics, and members of the public about businesses' compliance with the CCPA. See ISOR, p. 28. The OAG has considered the burden to businesses and has limited the public disclosure to those businesses that handle a large volume of personal information. See ISOR, p. 28.	W57-23 W65-5 W69-34 W70-6 W123-13 W155-19 W181-5 W204-4	00307 00403 00460-00461 00503 00958 01208, 01221 01517-01518 01678-01679
677.	Section 999.317(g)(2) may violate free-speech interests.	No change has been made in response to this comment. As stated in the ISOR, public disclosure is necessary to inform the Attorney General, policymakers, academics, and members of the public about businesses' compliance with the CCPA. See ISOR, p. 28. The regulation provides transparency about requests and responses and helps ensure that businesses properly respond to requests. The OAG disagrees with the comment's assertion that the regulation violates free speech because public disclosure and the functions it serves is a compelling government interest and is not unduly burdensome to businesses, which are required by the CCPA and the regulations to respond to and maintain records of consumer requests.	W26-8	00077-00078
678.	Section 999.317(g)(2) would require businesses to publish proprietary information. Commenters claim that publication would allow competitors to make judgments about the health of a business based on the number of requests to delete and opt-out that were received and processed. Commenters also asked for clarification of the policy, enforcement purposes, and intended uses of requiring publication of "training metrics," which seem to be confidential	No change has been made in response to this comment. The OAG disagrees with the comment that businesses would be required to publish proprietary, confidential trade secret, IP, or financial reporting information, and the comment provides no evidence or support for the assertion regarding competitors using the required disclosures. In drafting these regulations, the OAG considered and balanced the impact to businesses and the benefit to consumers. As stated in the ISOR, the regulation is necessary to inform the Attorney General, policymakers, academics, and members of the public about businesses' compliance with the CCPA (ISOR, p. 28), which provides	W53-22 W90-9 OSF21-7	00256 00650-00651 SF 75:19-75:24

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	trade secret, IP, or financial reporting information.	transparency and accountability to ensure compliance with the CCPA and to gauge the effectiveness of the regulations. The comment's reference to "training metrics" misinterprets the regulations, which requires businesses to establish, document, and comply with a training policy but not does not require publication of the training policy or any "training metrics."		
679.	Publication of metrics is prone to error and thus to misrepresentation claims.	No change has been made in response to this comment. In drafting these regulations, the OAG has considered and balanced the impact to businesses and the benefit to consumers and, for the reasons set forth in the ISOR, has determined that the regulation is necessary and that the value of public disclosure outweighs the burdens. ISOR, p. 28. Businesses are responsible for accurately compiling and disclosing the information required by § 999.317(g).	W155-19	01208, 01221
680.	Public disclosure would make privacy policies unnecessarily longer and more complicated.	No change has been made in response to this comment. The OAG disagrees that the regulation would make privacy policies longer because § 999.317(g)(2) allows businesses to post the required information on their website, accessible from a link included in their privacy policy, rather than include the required information in their privacy policy.	W54-13 W65-5 W73-17	00266 00403 00522-00523
- **§ 999.317(g)(3)**				
681.	Eliminate § 999.317(g) because it would require costly training of employees who only touch one aspect of CCPA compliance to be trained on entirely distinct provisions.	No change has been made in response to this request. In drafting these regulations, the OAG has considered the burden to businesses and determined that the benefits to consumers and their ability to exercise their rights outweighs the burden. The regulation is necessary to ensure that the individuals responsible for handling consumer inquiries about the business's privacy practices or compliance with the CCPA understand the CCPA so that they can appropriately respond to inquiries. This regulation also ensures that businesses that are most likely to receive consumer requests because they handle the personal information of a significant portion of California's population are	W73-17	00522-00523

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		capable of adequately responding to those requests. ISOR, pp. 27-28.		
682.	Apply the training requirement to all businesses.	No change has been made in response to this comment. All businesses have the responsibility of ensuring that all individuals responsible for handling consumer inquiries about the CCPA be informed of all the requirements in the CCPA and these regulations and how to direct consumers to exercise their rights under the CCPA and these regulations. See § 999.317(a). Section 999.317(g) places the additional requirement of establishing, documenting, and complying with a training policy for businesses handling the personal information of 10 million or more because they may receive a higher volume of consumer requests.	W137-6	01058-01059
683.	Provide guidance or best practices for the training requirements set forth in § 999.317(g)(3), which are vague.	No change has been made in response to this comment. The regulation is reasonably clear. The comment's proposed regulation is not more effective in carrying the purpose and intent of the CCPA. The regulations are meant to be applicable to many factual situations and across industries where the handling of consumer inquiries and compliance may be business- and context-specific.	W25-2	00066
§ 999.318. Requests to Access of Delete Household Information				
684.	Businesses will not be able to verify whether all members of a household agree to the request, particularly because the business has no practical way to know who all the members of the household are and to verify whether a request was actually received from all members. The broad definition of household members, in that it includes individuals of all ages and physical or mental capacity, regardless of relationship, means that a business can never be certain that a request to disclose or delete is made with appropriate authority. It places too great of a	Accept in part. The definition of "household" has been modified to mean a person or group of people who: (1) reside at the same address, (2) share a common device or the same service provided by a business, and (3) are identified by the business as sharing the same group account or unique identifier. See § 999.301(k). With that new definition, businesses will more readily be able to determine who is a member of a household based on shared devices, accounts, and identifiers. Section 999.318 has also been modified to incorporate verification of household member identities and a requirement that the business must verify that all members of the household have joined in the request. See § 999.318(a)(2) and (3). The concern	W57-24 W38-22 W62-1 W69-39 W70-8 W88-36 W100-3 W162-47 W123-13	00307 00156-00157 00357-00359 00464 00503-00504 00636-00637 00733-00734 01353-01354 00958

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	compliance burden on the business to determine the members of a household. Comments suggest various modifications, including eliminating § 999.318(b) in its entirely, adding language regarding whether a business can individually verify all the household members, requiring consumers to make individual requests, or defining household in more concrete terms.	that businesses may not have a way to confirm a complete list of members of a household is addressed by the more specific definition of household that narrows who would be considered a member. Eliminating the section in its entirety is not more effective in carrying out the purpose and intent of the CCPA. Civil Code § 1798.185(b)(1) requires the Attorney General to establish rules and procedures on how to process and comply with verifiable consumer requests for specific pieces of personal information relating to a household. In addition, a business must also comply with verification requirements set forth in § 999.323 through § 999.326 in processing these consumer requests.		
685.	Providing household data in response to a "request to know" may create privacy problems because it could reveal to the requestor private/sensitive information about another member of the household. It could also lead to identity theft or physical danger for vulnerable household members, even in aggregated form. Comments suggest various modifications, including eliminating § 999.318(a) in it's entirely, requiring all consumers of a household to jointly request information, or defining household in more concrete terms.	Accept in part. The definition of "household" has been modified to mean a person or group of people who: (1) reside at the same address, (2) share a common device or the same service provided by a business, and (3) are identified by the business as sharing the same group account or unique identifier. See § 999.301(k). With that new definition, businesses will more readily be able to determine who is a member of a household based on shared devices, accounts, and identifiers. Section 999.318(a) has also been modified to require that household requests for personal information where there is no password-protected account be made unanimously, with the business individually verifying all the members of the household subject to the verification requirements set forth in § 999.325, and verifying that each member is currently a member of the household. The regulation no longer requires the provision of aggregate household information. Moreover, if a business cannot verify all the members of the household, the business shall deny the request. See § 999.325(f). Section 999.318(b) has been modified because accessing or deleting household information should not be more burdensome for consumers who could control their personal information via these accounts before CCPA came into effect. Eliminating the section in its	W53-21 W54-14 W62-1 W62-2 W70-7 W88-36 W161-22 W162-7 W162-47 W169-19 W169-20 W186-38	00255 00267 00357-00359 00359-00360 00503 00636-00637 01311-01312 01322 01353-01354 01415-01416 01416-01417 01559-01560

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		entirety is not more effective in carrying out the purpose and intent of the CCPA. Civil Code § 1798.185(b)(1) provides that the Attorney General is to establish rules and procedures on how to process and comply with verifiable consumer requests for specific pieces of personal information relating to a household.		
686.	Comment requests that the provisions that apply to household requests also applies to shared devices.	Accept. The modification has been made to the household definition in § 999.301(k).	W63-5 W63-11	00366 00371-00372
687.	A business cannot respond to a request to delete with aggregate household information as stated in § 999.318(a). Comment suggests that the regulation state that a business may ignore a request to delete as it pertains to household personal information by providing aggregate household information.	Accept in part. The regulation has been modified to remove the text concerning responding to a request to delete. In response to other comments, the term "aggregate household information" has been removed, and thus, the proposed language is now moot. See response #684, 685.	W27-5	00091
688.	Define the phrase "aggregate household information" as used in § 999.318(a). There are also privacy concerns with releasing aggregate data which may reveal the private information of household members to other members. One comment proposes definition of term as "information that relates to a group of consumers that constitute a household, but which is not linked or reasonably linked to any consumer, including via a device."	No change has been made in response to this comment. In response to other comments, the term "aggregate household information" has been removed, and thus, these comments are now moot. See response #684, 685.	W70-10 W151-11 W164-2 W169-18 W174-49	00504 01186 01365 01415 01459
689.	The OAG should clarify that different members of the household do not have access or modification rights to the information of other members of the household. Relatedly, a household member's web activity that generates observations about the behavior of certain IP addresses should not be treated as the "personal information" of all members of the household.	No change has been made in response to this comment. In response to other comments, the regulations have been modified to require that household requests be made unanimously and subject to the verification requirements set forth in § 999.325, or via a password-protected account. See response #684, 685. With regard to whether IP addresses should be treated as household personal information, this is a fact-specific and contextual determination, and a business shall	W157-3	01249-01250

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		carefully follow the verification requirements set forth in these regulations to determine if it can disclose or delete the information that could be reasonably linked, directly or indirectly, to IP addresses.		
690.	Comment is concerned about the "right to know" with regard to household data because there is no means of verifying the identity of the requestor.	No change has been made in response to this comment. In response to other comments, § 999.318(a) has been modified to require a business to individually verify all the members of the household subject to the verification requirements set forth in § 999.325 and to verify that each member is currently a member of the household. If a business cannot verify all the members of the household, the business shall deny the request. See § 999.325(f).	W179-8	01505
691.	Section 999.318 does not address how the business should respond if the requestor has a password-protected account. The implication is that if the requestor has a password-protected account, the business must provide the household personal information to the requestor, or delete household personal information.	Accept. Section 999.318(b) has been added to clarify that where a consumer has a password-protected account, the business may process requests relating to household information through the business's existing business practices and in compliance with these regulations.	W70-8	00503-00504
692.	Comment approves of the clarification to "household" data sections.	The OAG appreciates this comment of support. However, the regulations regarding household data have been modified in response to other comments. See §§ 999.301(k) and 999.318; response #81, 82; FSOR, §§ 999.301(k), 999.318.	W73-1	00515
693.	Recommends that § 999.318 address the right of the household to opt out of the sale of personal information, such as a shared television or device.	No change has been made in response to this comment. Civil Code § 1798.140(o)(1) defines personal information to include information that is reasonably capable of being associated with a household. To the extent that a business sells personal information, whether collected through a shared television or device, it shall comply with the requirements of the CCPA. Requests to opt-out do not need to be a verifiable consumer request, and thus, the verification requirements do not apply. See § 999.315(h). It is not necessary for the regulations to separately address household requests to opt-out.	W74-32	00535

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694.	Comment asks how household verification will work, specifically how to determine household members and their contact info to obtain opt-in consent.	No change has been made in direct response to this comment. Sections 999.318, 999.325, and 999.301(k), as modified, provide guidance on how to determine household members and the business's obligations in verifying household members.	W161-22 W203-32	01311-01312 01670
695.	Consumer financial products, unless explicitly shared in joint and severable responsibility, are inherently individual products and consumers reasonably expect privacy about their individual contracts regardless of their household situation. Creating a new regime that attempts to treat multiple individual accounts as joint accounts outside the contractual arrangements is very concerning. Further, existing and available legal methods exist to address the same goal.	No change has been made in direct response to this comment. It appears that the comment misunderstands the regulations. The regulations do not create a new regime to treat multiple individual accounts as joint accounts, but rather addresses how businesses are to process and comply with consumer requests for specific pieces of personal information relating to a household. Section 999.301(k) clarifies what is a household and § 999.318 sets forth how a business is to process a request relating to household personal information.	W137-7	01059-01060
696.	Comment requests guidance on how to properly process and respond to requests for information that involve multiple unrelated households and/or consumers. Real estate transactions involve at a minimum two separate and unrelated households and the documents related to the transactions include PI of multiple consumers. By responding to one consumer's request, the business could negatively impact another consumer's CCPA rights or require more burdensome compliance for the business. For example, in the real estate context a buyer might request disclosure from a realtor that could require the disclosure of PI that also qualifies as the seller's PI. Similarly, a seller may request deletion of PI that also qualifies as a buyer's PI where the buyer wishes the realtor business to continue to retain the PI.	No change has been made in direct response to this comment. Sections 999.318, 999.325, and 999.301(k), as modified, provide guidance on how to determine household members and the business's obligations in verifying household members. To the extent that the comment seeks more specific guidance pertaining to real estate transactions, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance that is meant to apply to a wide-range of factual situations and across different industries.	W67-1	00415

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697.	The multifamily-housing industry has unique privacy and security considerations regarding devices in multifamily housing.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations.	W169-1	01404-01405
ARTICLE 4. VERIFICATION OF REQUESTS				
Comments Generally about Verification				
698.	Establish a safe harbor for businesses. Comments propose safe harbor: 1) if a business complies with a request in good faith in accordance with a documented verification method reasonably designed to comply with the regulations; 2) if a business is certified to show reasonable and appropriate security policies and procedures in place; 3) if a business encrypts consumers' personal information when responding to a verified request; 4) if a business relies on opinion of counsel; 5) if business meets a minimum level of proof regarding agent authorization; and 6) if business responding to request made by an authorized agent.	No change has been made in response to this comment. Compliance with the CCPA and the regulations is a fact-specific determination. The comments do not fall within any enumerated exception provided for by the CCPA. After weighing the recommendation to establish a safe harbor against the consumer privacy purposes of the CCPA, the OAG has determined that the recommendation is: (1) not authorized by the CCPA, (2) does not further the purposes of the CCPA, and (3) contradicts discretionary policy determinations implemented by these regulations	W34-4 W54-14 W70-9 W70-11 W95-1 W95-2 W103-3 W103-20 W103-21 W103-22 W115-45 W123-13 W137-4 W142-7 W151-3 W162-49 W169-11 W169-4 W171-6 W190-41 W206-3 OSac4-1	00124-00125 00267 00504 00504-00505 00681 00681-00682 00777 00781-00782 00782 00782 00890-00891 00958 01057 01090-01092 01183 01355 01408-01409 01406-01407 01423 01693 01693 Sac 18:19-20:13
699.	Comment suggests adoption of multi-factor authentication (MFA) as a minimum standard of verification or as a per se reasonable method.	No change has been made in response to this comment. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many industries and factual situations, including those in the future. Minimum standards such as MFA are not required by CCPA, and the	W85-5 W85-7 W85-8 W85-9 W89-4 W116-2	00593-00594 00594 00595 00596-00600 00642-00643 00903-00904

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		regulations should remain a broad framework to allow for adaptability.	W116-6	00906-907
700.	Clarify what obligations a business has after it has denied a consumer's request based on insufficient verification. Comments suggest modifying regulations to state whether 1) the consumer has the right to rectify requests, 2) there are any limits on consumers' requests, 3) the consumer must wait 90 days or another appropriate time period before requesting again, 4) the business is not obligated to respond before the 90 day or other appropriate time period expires, and 5) the business must wait 90 days to respond to a consumer even if it has denied the consumer's request based on insufficient verification.	No change has been made in response to this comment. Section 999.325(f) already provides guidance on a business's obligations if the business cannot verify a consumer request under § 999.325. Section 999.313 provides additional guidance on a business's obligations when denying a consumer's request in whole or in part, including the newly added § 999.313(b) which states a business may deny a consumer request if it is unable to verify the consumer within a 45-day time period. The comments' proposed changes are not more effective in carrying out the purpose and intent of the CCPA. Neither the CCPA nor the regulations impose limitations on the consumer's ability to rectify previous requests that failed due to insufficient verification. Requiring consumers to wait 90 days before making another request may unduly burden consumers and discourage them from exercising their rights. The comments also do not provide any evidence to justify the need for these modifications.	W84-2 W133-5 W169-8 W169-9 W169-10	00589 01026-01027 01407 01407 01408
701.	Clarify that when businesses ask for verifying information from a consumer, such an action pauses the 45-day time period the business has to respond to the consumer request.	No change has been made in response to this comment. This request is inconsistent with the CCPA which states that verification "shall not extend the business' duty to disclose and deliver the information within 45 days of receipt of the consumer's request." Civ. Code, § 1798.130(a)(2).	W55-9 W60-23	00281 00332-00333
702.	Clarify or provide more examples of how a business can avoid collecting additional personal information to verify consumer's identity and how to delete the collected information afterwards. Comments suggest modifications such as not requiring a business to collect additional personal information if it does not maintain sufficient information to identify the consumer.	No change has been made in response to this comment. The OAG does not believe it necessary to provide additional guidance or examples at this time. The regulation is meant to apply to a wide-range of factual situations and across industries. Determining a reasonable method for verification is a fact-specific determination made by each business based on the circumstance of the business, the type of request, and the information at issue. The commenter should consult with an attorney who is aware of all pertinent facts and relevant	W45-32 W45-33 W60-22	00208 00208-00209 00331-00332

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		compliance concerns. The regulation provides general guidance for CCPA compliance.		
703.	"Better Identity in America: A Blueprint for Policymakers" details new policies and initiatives that can help government deliver more secure identity solutions. This document states that privacy implications should be considered upfront at the start of the design cycle for identity proofing solutions; identity data should be shared only when consumers request it; identity data that is shared should only be used for the purposes specified; and consumers should be able to request release of only certain attributes without sharing all their identifying data.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations. The comment is not directed at any particular proposed regulation and does not provide sufficient specificity to the OAG to make any modifications to the text.	W116-1	00903
704.	Provide examples that illustrate how the OAG will assess security and privacy risks when evaluating consumers' requests to know and requests to delete.	No change has been made in response to this comment. The regulations have been modified to add examples of how businesses may verify a consumer who submits a request to know or delete, including when a consumer does not have a password-protected account with the business. See § 999.325. Sections 999.323 through 999.325 also provide significant guidance regarding how to verify the identity of the consumer, including factors a business shall consider before disclosing specific pieces of personal information or deleting personal information. See § 999.323(b)(3). The OAG does not believe it is necessary to provide additional examples at this time.	W148-21	01160
705.	Verification regulations should distinguish between the need to verify requestor and the need to tie that consumer with business's records. Specifically, comment suggests revising § 999.325 to allow business to compare records the business already has about the consumer to	No change has been made in response to this comment. The overall structure of the verification procedures provides discretion to a business to consider multiple factors in establishing a verification process and affords enough flexibility to allow a business to utilize multiple methods to satisfy the minimum level of certainty required for verification in 999.325.	W64-1 W64-4	00388 00389, 00390-00391

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	a consumer-provided government issued identification document.	Comment fails to establish the need for explicitly allowing this type of verification.		
§ 999.323. General Rules Regarding Verification				
- § 999.323 generally				
706.	Supports the verification regulations, including § 999.323(a)'s reasonable method, § 999.323(b)'s balancing test for responding to personal information requests, § 999.323(b)(2)'s prohibition on providing sensitive personal information to a business for verification purposes, § 999.323(c), and § 999.323(d). Comments state that the regulations provide a flexible, risk-based approach to verification. This non-prescriptive framework allows businesses to reasonably tailor their verification processes to the sensitivity of the data at issue and their own practices.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W60-37 W73-3 W78-14 W98-1 W103-1 W174-50 W174-51	00342 00515 00558-00559 00720 00777 01459 01459-01460
707.	Third party verification services should explicitly be authorized to request additional information from consumers for verification and third-party verifiers should only be able to collect same personal information that businesses are authorized to collect for verification.	No change has been made in response to this comment. Section 999.323(b) states that a business may use a third-party verification service that complies with this section. Implicit in that provision is the authority of third-party verification services to carry out the same functions as that of a business to verify a consumer request.	W64-1 W64-2	00388 00389, 00390
708.	Comment requests flexibility for denial of a CCPA request based on the inability to verify a request.	No change has been made in response to this comment. The overall structure of the verification procedures provides discretion to a business to consider multiple factors in establishing a verification process and affords enough flexibility to make a denial. Comment fails to establish the need for this additional provision.	W70-11	00504-00505
709.	If a consumer wants to delete their IP address, browser cookie, or mobile ad ID - and any	No change has been made in response to this comment. Article 4 provides guidance to address all the questions raised. Section	W95-1 W95-6	00681 00682-00683

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	associated data collected along with it - from a business' database, they may not have any more data other than that particular data point to verify that legitimate request. How can a consumer demonstrate the validity of that Access or Delete request without supplementary/corroborating info? In that case, should the business assume that it is legitimate unless they can prove otherwise?	999.323 provides businesses with discretion to establish a reasonable method for verifying the person making the request to know or request to delete and advises that the business take into consideration the type, sensitivity and value of the personal information maintained by the business. § 999.323(a), (b). Whenever feasible, the business should match the identifying information provided by the consumer with what is already maintained by the business and avoid requesting additional information; however, the business is not prohibited from asking for additional information provided that it is only used for the purpose of verying the identity of the consumer and deleted afterwards. § 999.323(b)(1), (c). Businesses should review the Article 4, and to the extent necessary, consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.		
710.	Comment requests that the regulations acknowledge that financial institution needs to authenticate identity to fend off bad actors in addition to complying with the CCPA's requirement of matching information in the request with personal information that the institution may have.	No change has been made in response to this comment. The verification procedures provide sufficient flexibility to allow a financial institution to deal with bad actors because it requires a "reasonable method" of verification. It is reasonable to deny a request if there are sufficient grounds to believe it is being submitted by a bad actor who intends harm to the business or consumers. See § 999.323(b)(3)(c), (d).	W103-2	00777
711.	The regulations should clarify that financial institutions are not required to delete personal information gathered to verify a request if that personal information is necessary for legitimate business purposes, such as underwriting a loan for any other purpose as set forth in Civ. Code § 1798.105(d), or to establish that it complied with the requirement to verify a request. Requests that the final regulation permit businesses to	No change has been made in response to this comment. Under these regulations, personal information collected for verification purposes must be deleted as soon as practical after processing the consumer's request. See § 999.323(c). If the personal information is being collected for other valid business or commercial purposes that are authorized by the CCPA or these regulations, then the business shall comply with the CCPA and the regulations for the separate collection and use of that information.	W103-4	00778

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	retain personal information under these and similar circumstances where necessary.			
712.	For the testing industry, comment is asking for a modification to require the requester to first demonstrate a relationship with the testing organization before business undertakes verification attempt.	No change has been made in response to this comment. The verification regulations are meant to be robust and applicable to many factual situations including those in the future. Minimum standards are not required by CCPA and it should remain a broad framework to allow adaptability. A business may establish required standards for its verification method so long as they are reasonable.	W115-39	00888
713.	Comment states that attackers have caught up with commonly used verification tools. Knowledge-based questions may not be sufficient to verify identity because they may be compromised by bots. It is important to have well-designed verification solutions.	No change has been made in response to this comment. The comment is not directed at the proposed regulation or the rulemaking procedures followed. This is a general comment about the state of verification procedures and does not comment on the regulations specifically. While we note the concern, no modification is required.	W116-3 W116-4	00903, 00904 00904-00905
714.	Comment challenges the verification regulations. Comment states that this section needs much more work and requires the benefit of expert technical input. The regulations don't articulate the range of important technologies and systems being used today for privacy-protective identity authentication and verification. The regulations appear to be unaware of the risks that various large data breaches have on identity verification. OAG should convene task force or working group to discuss best options for verification in order to avoid regulations having the long-term effect of unexpected consequences from the high volume of newly created data and identity silos	No change has been made in response to these comments. In drafting these regulations, the OAG has considered the impact of a more prescriptive verification requirements and has rejected that approach because it cannot adequately provide guidance across different businesses and industries over the course of time. See ISOR, p. 44. For the reasons set forth in the ISOR, the OAG has determined that the guidance provided by a reasonable method standard is the best suited across the wide variety of covered businesses. ISOR, p. 29. Further study or expert input is not prudent as such input changes with the development of technology and the purpose of the regulation is to be adaptable to changing developments in verification processes.	W121-17 W121-18 W121-19 W121-20	00942 00942 00943 00943
715.	Comment requests delayed implementation of the regulations until OAG can verify that there are adequate, widely available means for firms of all sizes to validate consumer information	No change has been made in response to these comments. The CCPA has mandated the OAG to adopt regulations that set forth verification procedures standards by July 1, 2020. See Civ. Code § 1798.185(a). Comment appears to seek more prescriptive	W157-6	01238, 01251-01252

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	requests. Comment advises OAG to seek amendments from the Legislature that create better guidelines around how such verification procedures should work.	rules, which may limit what businesses may do for verification. In drafting these regulations, OAG has considered the impact of a more prescriptive verification requirements and has rejected that approach because it cannot adequately provide guidance across different businesses and industries over the course of time. See ISOR, p. 44. For the reasons set forth in the ISOR, OAG has determined that the guidance provide by a "reasonable method" standard is the best suited across the wide variety of covered businesses. ISOR, p. 29.		
716.	Comment recommends setting a high bar on acceptable authentication for any request and continually monitoring and improving it.	No change has been made in response to this comment. The primary substance on the comment is already present. The draft regulations provide for "more stringent verification" and require consideration of "available technology" for verification. See § 999.323(b)(3)(a) and (b)(3)(f).	W164-3	01365-01366
717.	Comment states in lieu of creating prescriptive rules regarding verification, the OAG would be better served by creating a guidance document that favors a risk-based verification process that also takes into account the sensitivity of the data that is being processed.	No change has been made in response to this comment. Section 999.323(b) already provides for a broad guidance framework of considerations for a business when implementing verification procedures. No modification is necessary.	W171-6	01423
718.	Comment proposes requiring verification for consumer opt-out requests.	No change has been made in response to this comment because it is inconsistent with the CCPA. Civ. Code § 1798.120(d), which governs a business's response to opt-out requests, does not require verification. In contrast, the CCPA requires verification for requests involving the right to know and delete. See Civ. Code §§ 1798.100(d), 1798.105(c). By requiring verification for requests concerning the right to know and delete, but not for opting out of sale, the Legislature established that it did not intend for opt-out requests to require verification. To the extent that the business has a good-faith reasonable belief that a request to opt-out is fraudulent, § 999.315(h) provides the business with the ability to deny the request provided that the business documents its belief and informs the consumer.	W182-8	01525-01526

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719.	Verification processes should rely on personal information considered within the scope of CCPA, not all data the business may have about a person, especially when the business is a covered entity under HIPAA and maintains considerable personal health information.	No change has been made in response to this comment. To the extent the comment raises a specific concern about the verification process, the regulations require that every business establish, document, and comply with a reasonable method for verifying a consumer, as well as a method that avoids the collection of sensitive personal information. Modifying the regulation to prescribe what information a business should rely on for verification may be too limiting. See § 999.323(b)(2). Any further modification is unnecessary at this time.	W189-11	01585-01586
720.	Businesses should be able to use their industry standard authentication methodology to verify consumer requests.	No change has been made in response to this comment. This is a vague proposal and would create vast differences in implementation of CCPA requirements by businesses. Further, industry standards may not be adequate or fully updated to carry out verification securely and accurately. A "reasonable method" standard for verification allows each business to evaluate its based on the totality of its specific business and consumer concerns.	W197-9	01635
721.	Prohibit businesses from requiring extensive proof of identity from consumers to exercise their CCPA rights. The verification regulations potentially place a burden on the consumer if a business makes it exceptionally difficult or complex to meet by requesting overbearing proof, such as by providing scans of personal documents.	No change has been made in response to this comment because it is unnecessary. Section 999.323(b) already provides for a broad guidance framework of considerations for a business when implementing verification procedures. One of those considerations would be the burden on the consumer in establishing their identity. Additionally, § 999.323(c) states the conditions under which a business may request additional information from a consumer.	W200-2	01650
722.	The verification requirements are somewhat internally inconsistent because they impose strict verification requirements on release of sensitive personal information but prohibit the disclosure of sensitive personal information.	No change has been made in response to this comment. There is no inconsistency. The regulations require strict verification procedures for disclosure of sensitive personal information but have taken into account that there are certain subsets of specific pieces of personal information and circumstances in which specific pieces of personal information should not be disclosed. ISOR, p. 18.	W169-5	01406

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- **§ 999.323(a)**				
723.	Comments request guidance in implementing, or examples of, a "reasonable method" for verifying that a person making a request to know or a request to delete is the person about whom a business has collected personal information.	No change has been made in response to this comment. The term is reasonably clear and § 999.323 provides general guidance regarding what would part of a "reasonable method." The regulation is meant to apply to a wide-range of factual situations and across industries. The OAG does not believe it is necessary to provide further guidance at this time.	W45-30 W169-4 OLA15-1	00208 01406-01407 LA 53:12-53:19
724.	Comment requests examples of data elements to collect from a consumer in order to confirm that their request to opt-out is actually verifiable.	No change has been made in response to this comment. Requests to opt-out do not need to be verified. See Civ. Code §§ 1798.120, 1798.135; § 999.315(h).	OLA15-1	LA 53:12-53:20
725.	Comment asks for guidance on how these verification requirements interact with the verification requirements for non-accountholders in § 999.325(b) & (c), which contain specific methods of verification.	No change has been made in response to this comment because it is unnecessary. As stated by § 999.325(a), the provisions of subsection (b) through (g) of § 999.325 apply to situations with non-accountholders and is meant to be supplemental to the requirements in § 999.323.	W45-31	00208
726.	If a business employs a "reasonable method" for verifying a request, is the business liable if a consumer request turns out to be fraudulent? Also, if a business incorrectly denies a request because they could not verify the requestor, is the business liable?	No change has been made in response to this comment. Commenter is not recommending a change to the draft regulations, but is asking for a legal opinion that should be sought via counsel. To the extent commenter is asking for clarification, that request is declined because the draft rules provide sufficient guidance about the verification process. Businesses will be expected to employ a "reasonable method" of verification.	W171-4	1423
727.	Comment states OAG should consider a business's resources and capabilities when determining if the business has created a reasonable standard for verification.	No change has been made in response to this comment. Many factors, all of which are fact-specific, will be considered in determining whether a business's verification procedures are reasonable. No further change is required.	W171-5	01423
- **§ 999.323(b)**				
728.	Comment seeks guidance on how to weigh the various factors for consideration when implementing verification procedures for CCPA requests.	No change has been made in response to this comment. The various factors for consideration are reasonably clear. It must be a fact-driven decision made by each business based on the circumstance of the business, the request, and the information	W38-23	00157-00158

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		at issue. The regulation is meant to apply to a wide-range of factual situations and across industries. The OAG does not believe it is necessary to provide further guidance at this time.		
- **§ 999.323(b)(1)**				
729.	Comment requests the OAG provide guidance regarding how § 999.317(b)'s requirement to maintain records of a consumer request may be interpreted consistently with § 999.323(b)(1)'s requirement that a business avoid collecting personal information related to verifying any such consumer request.	No change has been made in response to this comment. The OAG does not agree that §§ 999.317(b) and 999.323(b)(1) are incompatible. Section 999.317(b) requires that the business maintain a record of requests made and responded to while § 999.323(b)(1) advises the business to avoid, if feasible, asking for additional information when verifying the requestor's identity.	W45-34	00209
- **§ 999.323(b)(2)**				
730.	Requests modification of § 999.323(b)(2) to allow the use of biometric information for verification purposes without limit because it has proven to be a safe and reliable method of verification.	No change has been made in response to this comment. Section 999.323(b) provides for a broad guidance framework of considerations for a business when implementing verification procedures, and subdivision (b)(2) states that the use of sensitive data, including biometric information should be avoided, unless necessary. No modification is necessary.	W85-6	00594
731.	Comment requests clarification around how the necessity of collecting certain personal information for verification (e.g., driver's license) is determined. Businesses may need this information to verify non-accountholders.	No change has been made in response to this comment. The regulations are reasonably clear. Section 999.323(c) states "If, however, the business cannot verify the identity of the consumer from the information already maintained by the business, the business may request additional information from the consumer, which shall only be used for the purposes of verifying the identity of the consumer seeking to exercise their rights under the CCPA, and for security or fraud-prevention purposes." Further clarification is unnecessary.	W160-9	01293
- **§ 999.323(c)**				
732.	Verification procedure regulations should make clear that collecting additional personal information from a consumer to verify identity	No change has been made in response to this comment. § 999.323(c) expressly addresses this concern.	W38-24	00158

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	is permissible notwithstanding the "avoid" collection provision in § 999.323(c).			
733.	Requests clarification on § 999.323(c)'s requirement that a business delete any new personal information collected for the purposes of verification "as soon as practical."	No change has been made in response to this comment. The regulation is reasonably clear based on the common understanding of the words. The OAG has determined that no further clarification is needed at this time.	W45-35	00209
734.	Comment seeks modification to the provision so that businesses are not required to collect or maintain personal information to verify a consumer's identity. Comment explains that businesses may maintain personal information in a manner that is not associated with a named actual person. This regulation could force businesses to investigate consumer identities by procuring more data than they normally would in their normal course of business in order to verify consumers.	No change has been made in response to this comment. The regulation states that businesses should generally avoid collecting personal information in the verification process. § 999.323(c). The proposal which provides that businesses are not required to collect or maintain personal information to verify, however, may go too far because in some instances, some personal information may have to be collected by the business to verify a consumer's identity.	W55-6	00278
735.	Recommends deleting the "generally avoid requesting additional information from the consumer for purposes of verification" from § 999.323(c). This weakening of verification requirements would harm consumers and would conflict with banking law verification requirements.	No change has been made in response to this comment. This provision gives businesses guidance to ensure proper verification that does not compromise consumer personal information. It does not impose a strict ban on the collection of personal information for verification, because that option might be needed in some cases to verify identity. Rather, it guides businesses against the collection of more personal information to reduce the risk of breaches as a baseline principle and for data minimization. Further, neither CCPA nor these regulations restrict businesses' ability to comply with federal laws. Civ. Code § 1798.145(a)(1).	W65-3 W69-36 W123-13	00401-00402 00462 00958
736.	Comment is concerned that the verification regulations are too easy to bypass by fraudsters who can find SSNs, and other personal information, online and can use it to impersonate a consumer.	No change has been made in response to this comment. We appreciate the comment, but disagree that the verification regulations may be easy to bypass. A "reasonable method" of verification would take into account the factors in § 999.323(b)	W69-36 W123-13	00462 00958

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		and provide a strong foundation for a protective verification process.		
- § 999.323(d)				
737.	Please define or elaborate on "reasonable security procedures and practices." Provide more explicit guidance as to what constitutes "reasonable security measures," including adopting a set of standards.	No change has been made in response to this comment. The term is reasonably clear. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. Given the wide-range of factual situations and different industries, as well as the need for allowing for technological advancements, the OAG believes it would be too limiting to prescribe reasonable security measures. Businesses should consult with counsel, industry standards, and technical experts for more guidance.	W45-36 W69-40 W73-4 W115-44 W123-13	00209 00464 00515 00889 00958
738.	The regulation states, "A business shall implement reasonable security measures to detect fraudulent identity-verification activity and prevent the unauthorized access to or deletion of a consumer's personal information." Comment states that the phrase "detect fraudulent identity-verification activity" is vague and requires elaboration.	No change has been made in response to this comment. The term is reasonably clear. The regulation is meant to apply to a wide-range of factual situations and across industries. The OAG does not believe it will add additional clarity to provide further refinement of this term and it would be too limiting. Businesses should consult with counsel and technical experts for more guidance.	W69-40 W123-13	00464 00958
739.	§ 999.323(d) proposes a general data security requirement that is unauthorized by CCPA and should be deleted.	No change has been made in response to this comment. Civil Code § 1798.185(a)(7) provides the Attorney General with broad discretion to craft regulations that take into account "security concerns." Because § 999.324 gives businesses a significant amount of deference when they have an existing password-protected account with the user, this subdivision is necessary to ensure that businesses implement reasonable data security measures within that password-protected account framework. See ISOR at p. 30.	W88-37 W145-19	00637 01115

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- § 999.323(e)				
740.	Comment objects to deidentification or aggregation being defined as forms of deletion for purposes of § 999.323(e). Comment notes that no deidentification will remain impermeable for all time; deidentification techniques advance alongside de-anonymization techniques.	No change has been made in response to this comment. Civil Code § 1798.140(o)(3) specifically states that deidentified or aggregate consumer information is not "personal information," and thus, not subject to the CCPA. This regulation is consistent with the CCPA.	W121-21	00943
741.	Comment inquires if a business does anonymize the requested data in the interest of security, how can a business prove that they have complied with a specific request or track who has submitted requests within a 12-month period.	No change has been made in response to this comment. The comment raises specific legal questions that require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W203-33	01670
742.	Provide more guidance on what steps should be taken to properly deidentify information, including how CCPA deidentification differs from HIPAA.	No change has been made in response to this comment. Civ. Code § 1798.140(a) defines "deidentified." Prescribing the steps that should be taken to properly deidentify information may be fact-specific to how the data is collected and maintained.	W67-1 W77-1	00415 00546-00550
§ 999.324. Verification for Password-Protected Accounts				
- § 999.324 generally				
743.	Approvies of § 999.324(a) and (b) and requests that the OAG retain both in final regulations.	The OAG appreciates this comment of support. No change has been made in response to these comments. The comments concurred with the proposed regulations, so not further response is required.	W38-25 W78-15 W116-7 W174-52	00158-00159 00559-00560 00907 01460
744.	Do not allow requests to be sent through password-protected accounts because they may not be secure. Consumers re-use passwords and passwords may have been exposed through data breaches. It especially should not be allowed for requests for sensitive personal information. Sensitive personal information should require	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. Civil Code § 1798.185(a)(7) considers the submission of a request through a password-protected account as a way to verify a consumer request. As added protection, § 999.324(a) requires consumers to re-authenticate themselves. See ISOR, p. 31. Section 999.324(b) also requires businesses to not comply with a consumer's	W64-3 W116-5	00389, 00390 00905-00906

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	the more stringent verification process in 999.325.	request if it suspect fraudulent or malicious activitity until further verification procedures can verify the identity of the consumer and points to procedures set forth in 999.325. Section 999.323(b) gives businesses flexibility in deciding how to verify consumers, and 999.323(b)(3)(a) already states that sensitive or valuable personal information shall warrant a more stringent verification process. The OAG believes the regulations provide the necessary protection for consumers while facilitating their ability to exercise their rights.		
745.	If consumer already has password-protected account, business should be able to verify consumer using the same technology the business already has to match the consumer to the account. Comments claim that requiring more authentication is redundant and burdensome to business and consumers.	No change has been made in response to this comment. The comment misinterprets the regulation; § 999.324(a) merely requires re-authentication, not more or new information for additional authentication. A consumer needs to validate their existing authentication credentials upon submitting a request to know or request to delete.	W115-35	00886-00887
746.	Don't require consumer re-authentication because burdensome for consumers with little benefit for consumers.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. For reasons set forth in the ISOR, the regulation is necessary. The OAG drafted 999.324(b) in response to public input during the OAG's preliminary rulemaking activities because the requirement to re-authenticate is intended to protect consumers from unauthorized access or deletion of their data. See ISOR, p. 31.	W116-16 W137-8	00911-00912 01060
747.	Add to 999.324(a) that when an authorized agent submits the request, the business may require the consumer to verify identity.	No change has been made in response to this comment. 999.326(a) already states that when an authorized agent submits requests, the business may require that consumers verify their identities.	W162-48	01354
748.	Business should make the re-authentication process as streamlined as possible for consumers.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text.	W174-53	01460-01461

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749.	Customers should not be able to request that their data not be used for security and fraud prevention, and businesses should be free to use data in security analytics.	No change has been made in response to this comment. Civil Code § 1798.105(d)(2) already provides that a business need not comply with a consumer's request to delete if the business must maintain the personal information to detect security incidents, or protect against malicious, deceptive, fraudulent, or illegal activity.	W116-8 W116-9	00907-00908 00907-00908
§ 999.325. Verification for Non-Accountholders				
- § 999.325 generally				
750.	Approves of § 999.325 and requests that it remain in final regulations.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W38-26 W174-54 W174-58	00159 01461 01463
751.	Let the business determine what is sufficient to meet the degrees of certainty listed in 999.325(b)-(d). Comments claim the regulation is overly prescriptive and not consumer-friendly.	No change has been made in response to this comment. The regulations already provide businesses with sufficient flexibility because they use the term "may." See § 999.325(b), (c), and (d). Section 999.323 also provides that the business is to determine the "reasonable method" for verification.	W42-15	00184
752.	Remove the degrees of certainty requirements in § 999.325(b)-(d). Comments claim that they are subject to security risks, unnecessary, subjective, and burdensome on businesses. Businesses are also unlikely to have sensitive personal information of non-accountholders. Comments suggest alternatives such as making this optional, only encouraging business to take reasonably necessary steps to verify consumer's identity, use of only one verification standard, reversion to § 999.323 general guidelines, or stating in § 999.325 that OAG will periodically provide non-binding guidance apart from the regulations.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. For the reasons set forth in the ISOR, the OAG has determined these provisions are necessary. These reasons include the need to set a standard, to provide guidance to businesses, to preserve flexibility for businesses to decide whether to use a higher or lower standard when authenticating for requests to delete based on the sensitivity of the data or the potential to harm consumers. See ISOR, pp. 31-32.	W57-25 W65-4 W69-35 W70-12 W95-1 W95-2 W97-7 W102-5 W102-6 W123-13 W140-5	00307 00402 00462, 00464 00505 00681 00681-00682 00705-00708 00753-00754 00754 00958 01079-01080

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753.	Remove or make optional the degrees of certainty requirements in 999.325 because beyond CCPA authority.	No change has been made in response to this comment. Civil Code § 1798.185(a)(7) authorized the Attorney General to establish rules and procedures to govern a business's determination that a request for information is a verifiable consumer request, including providing a mechanism for a business to authenticate such requests when the consumer does not maintain an account with the business. Additionally, Civil Code § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. For the reasons set forth in the ISOR, the regulation is necessary. ISOR, pp. 31-32.	W65-4 W70-12 W97-7	00402 00505 00706
754.	Remove 999.325(a)-(c). Comments claim that it is overly prescriptive, imposes a standard that may enable bad-faith businesses to skirt CCPA compliance on a technicality while not helping businesses who in good faith intend to comply with the CCPA, and is overly burdensome.	No change has been made in response to this comment. In drafting these regulations, the OAG has considered and weighed both the need to provide businesses with guidance on how to verify requests while preserving flexibility for businesses who are in the better position to create a method based on the personal information they maintain, the needs of their customers, and the security risks of authorized disclosure. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. For the reasons set forth in the ISOR, the OAG has determined that these regulations are the appropriate balance between flexibility and guidance. See ISOR, pp. 31-32. The comment's proposed alternative to delete these sections is not more effective in carrying out the purpose and intent of the CCPA.	W27-6 W69-35 W115-38 W123-13	00091-00092 00462 00887-00888 00958
755.	Comment requests minimum standards of identity verification to combat bad actors. Verification regulations should be revised to require "a reasonably high degree of certainty" and should eliminate the specific descriptions of data point matching verification techniques. A business should not be required to comply with a CCPA request unless verification is established.	No change has been made in response to this comment. In drafting the regulation, the OAG has considered and balanced the importance of verification and the burden to consumers of overly stringent verification requirements. The OAG does not believe that minimum standards of verification would be flexible enough to deal with the wide range of factual situations and industries the CCPA applies to. The OAG has instead focused on setting forth principles business should follow in determining a	W62-4	00361-00362

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		"reasonable method," which may include a business's identified minimum standards Section 999.313(b) already provides that a business may deny the request if the business cannot verify the consumer.		
756.	Requests more guidance or examples explaining what the degrees of certainty are, how a business is to decide which to use, and how to verify request under both standards.	Accept in part. The OAG has revised and added to the examples in 999.325(e). The regulations also provide guidance in 999.325(b) and 999.325(c). The OAG does not believe it will add additional clarity to provide additional examples and it would be too limiting. Verifying the identity is a fact-specific determination that requires the consideration of many different factors. To the extent the comment seeks more guidance than what is provided, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W38-28 W61-20 W160-13 W203-34 OLA2-1 OLA3-2 OLA5-8	00160 00352 01294 01670 LA 11:6-11:17 LA 12:10-14:22 LA 22:15-23:1
757.	Regulations should exempt businesses from complying with § 999.325 when providing consumers with personal information consistent with the business's obligations under federal or state law, such as the federal Fair Debt Collection Practices Act.	No change has been made in response to this comment. Civil Code §§ 1798.145 and 1798.196 state that the CCPA does not restrict a business's ability to comply with federal law and shall not apply if it is preempted by or in conflict with federal law. If federal law requires a business to act in a manner differently than these regulations, Civil Code §§ 1798.145 and 1798.196 would apply.	W45-37	00209-00210
758.	Verification of non-password accounts should be focused on fact-based analysis by the business. For requests to delete, the level of certainty should depend on the sensitivity of the personal information and the risk of harm posed by unauthorized disclosure.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change these regulations. The comment appears to be restating the regulations.	W115-37	00887
759.	999.325(b)-(c) procedures should be tested, with documentation of why this is the best method, submitted to routine testing for effectiveness and accuracy, have expert-level input and think of alternative options. Especially consider researching options so business not connect	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change these regulations. In addition, pursuant to Civil Code § 1798.185(a)(7), the OAG was required to establish rules for verification by July 1, 2020.	W121-22 W121-23 W187-3	00943-00944 00943-00944 01565-01566

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	identified information to device-identifying information.			
760.	Have more bright-line rules throughout 999.325. For instance, remove the 999.325(d) good faith standard because burdensome for businesses that spend money and time documenting efforts.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. The regulations are meant to be robust and applicable to many factual situations and across industries. The good faith standard is necessary to hold businesses accountable for making a good-faith determination about whether to use a lower or higher standard for verification. See ISOR, p. 32.	W151-3	01183-01184
- § 999.325(a)				
761.	999.325(a) makes cross-reference to (g) which does not exist.	Accept. The regulation has been modified to refer generally to the section.	W151-4	001184
762.	Add that § 999.325 applies if a consumer's request pertains to sensitive or valuable personal information.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. 999.323(b) gives businesses flexibility in deciding how to verify consumers, and 999.323(b)(3)(a) already states that sensitive or valuable personal information shall warrant a more stringent verification process.	W64-3	00389-00390
- § 999.325(b)				
763.	Raise standard of verification for category-level information to the higher standard for specific information in § 999.325(c) because category-level information may still be sensitive, such as the existence of an account on a sensitive website. The disclosure of category-level information may harm consumers, may require companies to disclose information to consumers when other situations would not do so, and may	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. Although § 999.325(b) has a lower standard of verification for category-level information, § 999.323(b)(3) also requires that a business consider the type, sensitivity, and value of the personal information, with sensitive or more valuable personal information warranting a more stringent verification process.	W102-1 W102-2	00750 00750-00751

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	raise security concerns such as increased phishing attacks.			
764.	Section 999.325(b) is inconsistent with federal and state security laws. Comment claims provision may require business to have data security which is not reasonable, which is a violation of CA's reasonable data security law (Civ. Code § 1798.81.5) and "unfair" under 15 U.S.C. § 45(a).	No change has been made in response to this comment. Section 999.325(b) is not inconsistent with federal and state security laws because obligations under the CCPA do not restrict businesses from complying with federal, state, or local laws. See Civ. Code § 1798.145(a)(1). Section 999.323(e), which was formerly 999.323(d), also states a business shall impement reasonable security measures to detect fraudulent identity-verification activity and prevent the unauthorized access to or deletion of a consumer's personal information. To the extent that state or federal laws require more stringent standards of data security, CCPA does not restrict a business from complying with these stronger requirements.	W102-3	00751-00752
765.	Clarify that § 999.325(b) is optional, not mandatory, and that matching the data points as described does not mean business has met the standard.	It is unclear what the comment is saying. If the commenter means that a business does not need to verify the consumer's identity to a reasonable degree of certainty when the consumer requests to know categories of personal information, then this is an incorrect interpretation. If they mean that the regulations say verifying to a reasonable degree of certainty requires matching at least two data points, then that is also incorrect. A reasonable degree of certainty "may," not must, include matching at least two data points.	W112-18 W124-13 W147-14	00841-00843 00965-00966 01132-01133
766.	Consumer requests under penalty of perjury will not deter bogus requests, the OAG should be prepared to enforce this provision.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change these regulations.	W151-5	01184
- **§ 999.325(c)**				
767.	Clarify whether a "reasonably high degree of certainty" requires obtaining a signed declaration and/or 3 data points because the last sentence of § 999.325(c) and the ISOR implies that this is mandatory. Comments say that, if	Accept. Section 999.325(c)'s last sentence has been revised to clarify that signed declarations are not mandatory, and that a business must maintain signed declarations only if they choose to use declarations as a mode of verification. Section 999.325(c) requires that a business verify to a reasonably high degree of	W63-21 W64-4 W69-35 W98-5	00378-00379 00389, 00390-00391 00461-00462 00722

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	mandatory, make it optional because it is burdensome on businesses and could end up harming consumers if a business that has device-identifying data but is not linked to identified data choose to collect and store more personal information to comply. Comments specifically also request removing or making the signed declaration optional, or replacing with government-issued identification documents because this requirement is not necessary, is confusing, is unlikely to deter bad actors, and it is easy to forge a declaration especially over internet.	certainty, and that meeting this reasonably high degree of certainty "may" (not must) include a signed declaration and matching at least 3 data points. The comment's proposed change of removing the signed declaration entirely is not more effective in carrying out the purpose and intent of the CCPA. The signed declaration is optional and for reasons explained in the ISOR, the signed declaration gives consumers a way to verify their identity but allows legal recourse against a person submitting a fraudulent request. See ISOR, p. 32.	W112-18 W112-19 W123-13 W124-13 W145-20 W148-22 W155-20 W187-3 W190-22 W190-40	00841-00843 00842, 00843 00958 00965-00966 01115-01116 01160-01161 01222-01223 01565-01566 01595 01603
768.	Provide more guidance or sample forms of consumer declarations for verification. Comments specifically ask to add or clarify signed declarations may be physically signed or electronically signed. They also ask how declarations should be executed (i.e. notarized or not).	Accept in part. The OAG has added § 999.301(u) which defines "signed" to mean the declaration has been physically signed or provided electronically. The OAG has also added § 999.323(d) which states a business shall not require that consumers pay a fee for the verification of their requests (though the business may choose to have consumers notarize the declaration if the business compensates the consumer for the cost of notarization). The OAG has not provided sample consumer declarations at this time in an effort to prioritize drafting regulations that operationalize and assist in the immediate implementation of the law, but takes the comment's request into consideration.	W38-27 W57-26 W61-20 W70-13 W78-16 W177-21 W203-35	00159-00160 00308 00352 00505 00560 01490 01670
769.	Require consumer to notarize declarations because more protections for consumer.	No change has been made in response to this comment. In drafting these regulations, the OAG has considered how to balance consumer security with ease of having their requests granted, while simultaneously preserving flexibility for businesses. For reasons stated in the ISOR, the OAG chose to suggest declarations as one potential way of meeting the verification standard in 999.325(b). See ISOR, p. 32. The OAG has also added 999.323(d) which states a business shall not	W38-27	00159-00160

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		require that consumers pay a fee for verification of their requests (though the business may choose to have consumers notarize the declaration if the business compensates the consumer for the cost of notarization).		
770.	Do not suggest that matching at least 3 pieces of data provided by the consumer constitutes a reasonably high degree of certainty. Comments claim that this conflicts with NIST standards, which caution against knowledge-based authentication because it puts consumers at risk, it is hard to come up with data elements that are reliable, and a signed declaration will not mitigate how reliable the data elements are. Instead, comment suggest that OAG require that requests be validated against NIST's Identity Assurance Level 2 and participate in the Driver's License Data Verification Service.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. For reasons stated in the ISOR, § 999.325(c)'s suggestion provides some guidance for businesses while preserving flexibility as the suggestion is only one potential way a business could meet the verification standard in § 999.325(b). See ISOR, p. 32. Requiring some of the suggested alternatives would reduce flexibility and increase burdens for businesses, especially given that CA does not participate in one of the alternatives, the Driver's License Data Verification Service. The regulations do not conflict with NIST standards because § 999.323(b)(3) also requires that a business consider the type, sensitivity, and value of the personal information, with sensitive or more valuable personal information warranting a more stringent verification process.	W116-10 W116-11 W116-12 W116-13 W116-14	00908-00909 00909-00910 00910 00910 00911
771.	Add at the end of § 999.325(c) that a business verifying should use personal information about the consumer that is not easy for the public to discover.	No change has been made in response to this comment. The regulations are meant to be robust and applicable to many factual situations and across industries. Businesses have flexibility in verifying non-accountholders and may choose to use personal information about consumers that are not easy for the public to discover so long as the verification process complies with §§ 999.323 and 999.325. Businesses are required to consider whether the personal information provided by the consumer is sufficiently robust to protect against fraudulent requests or being spoofed or fabricated under 999.323(b)(3)(D), which should include information that could be readily discovered.	W174-55	01461-01462

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- **§ 999.325(e)**				
772.	Remove § 999.325(e)(1) example where retailer maintains consumer's name, credit card number, and card's security code because the example's retention practices violate industry standards (PCI DSS Requirement 3.2 states companies may not retain CVV code).	Accept. Removed example referring to credit card information matching.	W148-20 W150-14 W190-39	01159-01160 01175-01176 01603
773.	Correct typos in 999.325(e)(1). "Identifying" should be "identify" and there is a missing "a" in the sentence between "to" and "reasonable."	Accept. Section 999.325(e)(1) has been modified as suggested.	W101-22	00746
774.	Modify or remove 999.325(e)(2)'s last sentence so that it would not seem to require businesses to conduct a fact-based verification process. Commenters claim contradicts Civ. Code § 1798.100(e).	Accept in part. Removed last line from 999.325(e)(2) but retained the central concept with modifications as part of the newly added second example.	W63-26 W65-11	00382-00383 00405
775.	Add to the end of § 999.325(e)(2) that when conducting fact-based verification procedure, the business must still achieve degree of certainty required in 999.325(b)-(d), which may include matching non-name identifying information provided by consumer with non-name identifying information maintained by the business.	No change has been made in response to this comment. The regulations are already clear that businesses must achieve the degree of certainty required under 999.325(b)-(d).	W112-20	00842, 00843
776.	Add in § 999.325(e) that the business shall not decline a consumer's request if all the consumers associated with a set of data (*i.e.*, device identifier or online tracking tool) join in the request. Also, if a request is associated with a communications address, that address should offer a convenient and secure way to verify that the requester is the consumer.	Accept in part. The OAG modified § 999.318(a) requires that requests for household personal information be made unanimously by all members of the household, as well as specifically requires a business to satisfy the verification requirements set forth in § 999.325. Whether or not a business declines a consumer request is a fact-specific determination and specifying a blanket rule may be too limiting.	W174-56 W174-57	01462 01462

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§ 999.326. Authorized Agent				
- § 999.326 generally				
777.	Authorized agents should be subject to security and privacy obligations, including data security and prohibition on any use other than verification or fraud prevention purposes.	Accept. The regulations have been revised to include § 999.326(d) and (e), which require an authorized agent to implement and maintain reasonable security procedures and practices to protect the consumer's information and to not use a consumer's personal information, or any information collected from or about the consumer, for any purpose other than to fulfill the consumer's requests, for verification, or for fraud prevention.	W64-5 W64-6	00392 00393
778.	Permit or require business to confirm with a consumer directly that an authorized agent is authorized to act on their behalf. Commenters claim 1) ambiguous or inadequately stringent requirements for authorized agents pose potential privacy and security risks of improper access to consumer data, especially in the multifamily industry; and 2) businesses risk creating or committing a data breach.	Accept in part. Section 999.326(a)(3) has been added so that a business may require a consumer to directly verify their own identity and directly confirm that they provided the authorized agent permission to submit the request. A business also has discretion to determine whether this requirement is warranted based on the factors set for in §§ 999.323(b), 999.324, and 999.325 of these regulations. Section 999.326(b) references Probate Code §§ 4000 to 4465, which set forth the requirements for and effects of creating a power of attorney, including authorization and identification. Section 999.326(c) states that a business may deny a request from an authorized agent that does not submit proof that they have been authorized by the consumer to act on their behalf.	W69-41 W123-13 W169-11 W170-2 W190-41	00465, 00492 00958 01408, 01409 01419 01603
779.	Provide further guidance regarding the proof a business is required to seek in order to verify that a particular agent is authorized by a particular consumer. Comments suggest 1) including specific information of what the authorized agent needs to provide, such as notorization, 2) give a standard, pre-approved document or process that will enable agents to present their authentication from an end user, which will	Accept in part. The regulations as amended provide the necessary guidance for agent authorization. Section 999.326(a), as amended, states that a business may require a consumer to directly verify their own identity and directly confirm that they provided the authorized agent permission to submit the request. The business also has discretion to determine whether this requirement is warranted based on the factors set forth in Sections 999.323(b), 999.324, and 999.325 of these regulations. Section 999.326(b) references Probate Code §§ 4000 to 4465, which set forth the requirements for and effects of creating a	W31-6 W69-41 W95-1 W95-3 W123-13 W133-8 W142-7 W162-49 W169-11 W170-2	00112-00113 00465, 00492 00681 00682 00958 01029 01090-01091 01354-01355 01408, 01409 01419

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	improve confidence from businesses, consumers, and agents that these authorizations are valid.	power of attorney, including authorization and identification. Section 999.326(c) states that a business may deny a request from an authorized agent that does not submit proof that they have been authorized by the consumer to act on their behalf. Section 999.323(d) has also been added to prohibit a business from requiring notarization unless the business compensates the consumer for the cost. For comments that suggest requiring a specific document or process, the regulation is meant to apply to a wide-range of factual situations and a wide range of industries. The OAG does not believe it will add additional clarity to provide a standard, pre-approved document or process at this time.	W190-41 OSac4-1 OSac4-2 OSac4-4	01603 Sac 18:19-20:13 Sac 20:14-20:24 Sac 42:13-43:4
780.	Requests further guidance on what constitutes an authorized agent.	No change has been made in response to this comment. Section 999.301(c) defines "authorized agent."	W190-41	01603
781.	Businesses may be deluged by requests from authorized agents who send indiscriminate, mass requests to businesses. It will be burdensome to respond to a large number of requests from authorized agents regarding individuals for whom the businesses have no information. Proposes limiting the ability of authorized agents to make requests only to businesses that sell personal information.	No change has been made in response to this comment. The CCPA provides consumers the ability to authorize another person to make requests to businesses on their behalf. See Civ. Code §§ 1798.135(a)(1), (c), 1798.140(y), 1798.185(a)(7). This is without regard to whether a business sells personal information.	W17-1	000027
782.	Financial institutions receive many questionable form letters and cannot determine whether the authorized agent received authority from the consumer. Proposes the regulations be revised to provide financial institutions immunity for releasing information if the authorized agent is not fully honest.	No change has been made in response to this comment. The proposed change of providing financial institutions immunity for releasing information if the authorized agent is not fully honest does not fall within any enumerated exception provided for by the CCPA. Section 999.326(a), as amended, also states that a business may require a consumer to directly verify their own identity and directly confirm that they provided the authorized agent permission to submit the request. Section 999.326(c) also allows a business to deny a request from an authorized agent that does not submit proof that they have been authorized by the consumer to act on their behalf. The OAG has also	W31-6	00112-00113

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		determined that the recommendation to provide financial institutions immunity is not authorized by the CCPA, does not further the purposes of the CCPA, and contradicts discretionary policy determinations implemented by these regulations.		
783.	Don't allow consumers to use an authorized agent. Comments claim 1) regulations require direct consumer participation if not have power of attorney, 2) unnecessary, 3) conflicts with businesses' internal policies and procedures, 4) causes confusion, 5) hard for business to confirm consumer's intent, 6) burdensome as increase paperwork associated with verification, 7) increases possible fraudulent requests. Comments suggest alternatives such as requiring direct consumer requests, only allowing authorized agent if consumer is minor or genuinely needs authorized agent (i.e. elderly or incapacitated), and only allowing authorized agent to make requests if the business is selling personal information.	No change has been made in response to this comment. The CCPA provides consumers the ability to authorize another person to make requests to businesses on their behalf. See Civ. Code §§ 1798.135(a)(1), (c), 1798.140(y), 1798.185(a)(7). The regulation is necessary because Civil Code § 1798.185(a)(7) specifically mandates the Attorney General to establish rules and procedures to facilitate a consumer's authorized agent's ability to obtain information pursuant to the CCPA. The regulations state a business may require direct consumer participation, such as asking a consumer to directly confirm with the business that they provided the authorized agent permission to submit the request, but the regulations do not mandate a business do so. See § 999.326(a). The business has discretion to determine, based on the factors set forth in § 999.323(b) of these regulations, whether such requirements are warranted.	W12-1 W38-29 W78-17 W108-1 W115-43 W122-2	00027 00160-00161 00560-00561 00814-00815 00889 00948
784.	Interprets Section 999.326 as requiring the authorized agent to verify their identity to the business.	No change has been made in response to this comment. The commenter's interpretation of the regulation is inconsistent with the language of the regulation. Section 999.326(a)(2) requires the consumer to verify their identity directly with the business. Section 999.326(b) references Probate Code §§ 4000 to 4465, which set forth the requirements for and effects of creating a power of attorney, including authorization and identification.	W69-41 W123-13	00465, 00492 00958
785.	Proposes to require requests only through a consumer's account and require information be returned only to the consumer's account (and not to the agent directly) to avoid potential privacy risks of improper access to consumer	No change has been made in response to this comment. The comment's proposal is unnecessary and inconsistent with the language, structure, and intent of the CCPA. If a consumer maintains an account with the business, the business may already require the consumer to submit the request through that account. See Civ. Code § 1798.130(a)(2). However, the	W69-41 W123-13 W162-49	00465, 00492 00958 01354-01355

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	data, and as a way of demonstrating the agent's authority.	comment's proposal to mandate that a consumer's agent may only submit a request through a consumer's account is inconsistent with the CCPA's prohibition on requiring a consumer to create an account with the business in order to make a verifiable request. *Id.* Similarly, Civil Code § 1798.185(a)(7) provides the Attorney General with authority to establish rules and procedures for a consumer's agent to obtain information, for consumers who do not maintain an account with a business. The regulations already mitigate potential privacy risks of improper access to consumer data by authorized agents. Section 999.326(a), as amended, states that a business may require a consumer to directly verify their own identity and directly confirm that they provided the authorized agent permission to submit the request. The business has discretion to determine whether this requirement is warranted based on the factors set forth in §§ 999.323(b), 999.324, and 999.325 of these regulations. Section 999.326(c) also states that a business may deny a request from an authorized agent that does not submit proof that they have been authorized by the consumer to act on their behalf.		
786.	Remove the ability of authorized agents to make requests on behalf of consumers because: (1) Even with the mechanisms proposed in the draft regulations, there is a huge potential for fraud and misuse of consumer information and complicates the consumer-verification process, frustrating the very purpose of the CCPA; (2) If personal information is important to consumer, then the consumer should handle request on their own rather than sharing it with an authorized agent; and (3) Authorized agents add serious complications to the process of a business's legitimate attempt to verify the	No change has been made in response to this comment. The CCPA provides consumers the ability to authorize another person to make requests to businesses on their behalf. See Civ. Code §§ 1798.135(a)(1), (c), 1798.140(y), 1798.185(a)(7). In drafting this regulation, the OAG has weighed the risk of fraud and misuse of consumer information and the burden to the business with the consumer's statutory right to use an authorized agent as required by the law. Section 999.326 mitigates the risk of fraud while preserving the consumer's right to use an authorized agent to exercise their rights. The business has discretion to determine the required verification when a consumer uses an authorized agent to submit a request to know or a request to delete. See §§ 999.323, 999.324, 999.325. In addition, the OAG	W84-1 W115-41 W115-43	00589 00888, 00889 00889

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	identity of the consumer and it is burdensome to verify that the agent actually has authority to represent the consumer.	has determined that requiring the consumer to verify their identity directly with the business allows businesses to utilize their existing verification processes and complies with general privacy principles to not share one's security credentials (login ID and passwords) with others. ISOR, p. 33.		
787.	There should be an authorized state-provided resource for businesses to confirm the validity of registered authorized agents. Or authorized agents should be required to register with the OAG. Without such a service, organizations will apparently be obligated to take a claim of authorized agent at face value or by easily manufacture or spoofed proof.	No change has been made in response to this comment. The comment's proposed changes were considered but are not more effective in carrying out the purpose and intent of the CCPA. A business may require a consumer to directly verify their own identity and directly confirm that they provided the authorized agent permission to submit the request. See § 999.326. The business also has discretion to determine the required verification when a consumer uses an authorized agent to submit a request to know or a request to delete. See §§ 999.323, 999.324, 999.325.	W64-5 W90-8 OLA14-2 OSF21-6	00392 00650 LA 52:5-52:14 OSF 75:13-75:18
788.	Restrict the use of authorized agents to the exercise of the right to opt-out of sale and require consumers to submit requests to know and requests to delete directly because the CCPA only specifically includes ability to authorize another person to exercise the right to opt-out of sale.	No change has been made in response to this comment. The comment's interpretation of the CCPA is inconsistent with the language, structure, and intent of the CCPA. The CCPA provides consumers the ability to authorize another person to make requests to businesses on their behalf and not just for requests to opt-out. See Civ. Code §§ 1798.135(a)(1), (c), 1798.140(y), 1798.185(a)(7). As a result, it would be inconsistent with the CCPA to limit authorized agents to only requests to opt-out of sale.	W162-50 W168-9 W169-11	01355 01400 01408, 01409
789.	Extend time period to respond to requests made by authorized agents to 90 days and provide for an additional 90 days extension where necessary. Business may need more time to verify authorized agent/etc.	No change has been made in response to this comment. The CCPA sets forth the time in which a business must respond to requests made by consumers, which includes requests made by the consumer's authorized agent. See Civ. Code §§ 1798.130(a)(2), 1798.145(g).	W169-12	01408, 01409
790.	Businesses may impose requirements on consumer direct verification as to render authorized agent unnecessary. Proposes that an authorized agent sign a written declaration that it	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. In drafting these regulations, the OAG weighed the risk of fraud and misuse of	W64-5 W64-6 W200-6	00392 00393 01650

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	has verified the consumer's identity through specified measures, and business be required to either accept the consumer as verified or as a data point towards verification. Requiring direct verification could effectively decrease the consumers' ability to exercise their rights. Consumer may have to verify their identity with dozens, if not hundreds of different entities, with varying levels of privacy and security controls.	consumer information and the burden to the business with the consumer's statutory right to use an authorized agent as required by the law. The OAG determined that requiring the consumer to verify their identity directly with the business allows businesses to utilize their existing verification processes and complies with general privacy principles to not share one's security credentials (login ID and passwords) with others. ISOR, p. 33. Authorized agents will serve to facilitate requests and responses, but they themselves will not be allowed to collect or amass consumers' sensitive information for the purposes of verification. ISOR, p. 33. Businesses have discretion to determine whether this requirement is warranted based on the factors set forth in §§ 999.323(b), 999.324, and 999.325 of these regulations.		
- **§ 999.326(a)(1)**				
791.	Clarify that a permission obtained through electronic means shall be a satisfactory means for an authorized agent to obtain permission to act on a consumer's behalf.	Accept. Section 999.326(a)(1) has been modified to include "signed" permission, which is defined to include permissions provided electronically per the Uniform Electronic Transactions Act. See § 999.301(u).	W64-5 W64-6	00392 00393
- **§ 999.326(a)(2)**				
792.	Revise regulations so that this requirement can be exercised only if the authorized agent has not provided reasonable proof of the consumer's identity. Consumers use an authorized agent to avoid having to manage data requests themselves; allowing businesses to require consumers to verify their own identity directly may allow businesses to impose onerous measures.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. In drafting these regulations, the OAG weighed the risk of fraud and misuse of consumer information and the burden to the business with the consumer's statutory right to use an authorized agent as required by the law. The OAG determined that requiring the consumer to verify their identity directly with the business allows businesses to utilize their existing verification processes and complies with general privacy principles to not share one's security credentials (login ID and passwords) with others. ISOR, p. 33. Authorized agents will serve to facilitate requests and responses, but they themselves will not be allowed to collect or	W193-1	01618, 01619-01620

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		amass consumers' sensitive information for the purposes of verification. ISOR, p. 33. Businesses have discretion to determine whether this requirement is warranted based on the factors set forth in §§ 999.323(b), 999.324, and 999.325 of these regulations.		
- § 999.326(b)				
793.	Give more clarity or provide more procedures regarding how a business is to verify an authorized agent including what a business may require an authorized agent to provide to show has power of attorney. Comments claim that businesses may be obligated to take a claim of authorized agent at face value or by easily manufactured or spoofed proof.	No change has been made in response to this comment. Probate Code §§ 4000 to 4465 set forth the requirements for and effects of creating a power of attorney, including authorization and identification.	W90-8 W133-8 OSF21-6	00650 01029 SF 75:13-75:18
ARTICLE 5. SPECIAL RULES REGARDING MINORS				
Comments Generally about Minors				
794.	Sections 999.330(a)(1) and 999.331(a) should not require opt-in consent if the business does not sell personal information of minors because CCPA only applies to selling personal information. These regulations, as written, cause confusion for business and consumers.	Accept. Sections 999.330(a)(1) and 999.331(a) have been modified to apply to businesses that sell the personal information.	W26-9 W69-45 W87-2 W117-18 W123-13 W148-25 W155-21 W186-41 W186-42 W186-43 W190-45	00081 00467 00617 00921 00958 01162 01223-01224 01560 01560 01560-01561 01605
795.	Revise regulations so that if a parent or guardian affirmatively authorizes for minors less than 16 years of age in test taker agreements (*i.e.*, for school admissions, medical/diagnostic purposes),	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA Revising the regulations as suggested would be contrary to the CCPA because parent or guardian affirmative authorization is only required for children	W115-2	00873

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	the business does not need a separate opt-out notice or opt-in process for the minors.	under 13, whereas minors at least 13 years of age and less than 16 may affirmatively authorize on their own behalf. See Civ. Code § 1798.120. Moreover, the regulations are meant to be robust and applicable to many factual situations and across industries.		
796.	Expresses general support for the regulations related to minors less than 16 years of age.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W174-59	01463
§ 999.330. Minors Under 13 Years of Age				
- § 999.330(a)				
797.	Expand parental consent mechanisms to all methods that COPPA allows, which include facial recognition (*i.e.*, by matching photo of parent to government-issued ID), knowledge-based answers, and consent methods approved by third-party companies under COPPA's safe harbor program. Commenters claim that this would reduce uncertainty for businesses and allows for additional methods that the FTC approves for COPPA to be included in CCPA.	Accept in part. Section 999.330(a)(2) has been modified to clarify that acceptable methods are not limited to the ones listed in the regulations. For the reasons set forth in the ISOR, the OAG has determined that the listed methods are sufficient. ISOR, p. 34. Further listing of acceptable methods is not necessary because the regulations are meant to be robust and applicable to many factual situations and across industries. Moreover, the OAG has avoided listing specific methods so that the regulations remain flexible over time and not inconsistent with frameworks that develop in the future.	W64-9 W69-44 W87-2 W123-13 W147-15 W148-23 W148-24 W162-51 W190-42 W202-12 W204-8	00395-00397 00466 00617 00958 01133-01134 01161 01161-01162 01356-01357 01603 01663 01674, 01681, 01683-01684
798.	Expand parental consent mechanisms to all methods that COPPA allows because to state otherwise would be inconsistent with COPPA's preemption clause.	Accept in part. Section 999.330(a)(2) has been modified to clarify that acceptable methods are not limited to the ones listed in the regulations. COPPA preempts state law to the extent the state law imposes liability for activity that is inconsistent with the treatment of the activity under COPPA. See 15 U.S.C. § 6502(d). The regulation does not impose liability that is inconsistent with COPPA because 1) the regulation does not say that COPPA consent mechanisms are not acceptable, and 2) the CCPA requires consent in situations where COPPA does not; for	W60-14 W87-2 W162-51	00326-00327 00617 01356-01357

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		example, COPPA only requires parental consent if the operator collected personal information online *from* a child under the age of 13 whereas the CCPA prohibits the sale of children's personal information regardless of whether collected online, offline, or from a third party. ISOR, p. 34.		
799.	Remove from 999.330(a)(2)(a) "under penalty of perjury" because it is not required by COPPA.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The list of methods is not exhaustive, and a company may choose to provide a consent form that does not require signatures under penalty of perjury.	W204-8	01684
800.	Clarify that the "actual knowledge" standard is the same as COPPA's "actual knowledge" standard. Commenters claim that not clarifying this would cause confusion, and potentially complicate businesses' efforts to protect minors and their personal information.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The FTC's guidance on COPPA refers to actual knowledge of collecting personal information, whereas revised 999.330(a)(1) refers to actual knowledge of selling personal information.	W73-18 W162-51 W190-43 W202-12	00523 01355-01356 01603-01604 01663
801.	Clarify that the "actual knowledge" standard is the same as COPPA's "actual knowledge" standard because COPPA preempts the regulation.	No change has been made in response to this comment. COPPA preempts state law to the extent the state law imposes liability for activity that is inconsistent with the treatment of the activity under COPPA. See 15 U.S.C. § 6502(d). The regulation does not impose liability that is inconsistent with COPPA because 1) the regulation deals with actual knowledge of selling personal information under revised 999.330(a)(1) whereas COPPA's is actual knowledge of collecting or maintaining personal information (see 15 U.S.C. §§ 6501-6505), and 2) COPPA only covers personal information *collected* online from a child under the age of 13 whereas the CCPA prohibits the *sale* of children's personal information regardless of whether collected online, offline, or from a third party. ISOR, p. 34.	W162-51	01355-01356
802.	Remove the last sentence in § 999.330(a)(1) so that CCPA consent is not required in addition to COPPA consent. Commenters claim that there is no justification for requiring additional CCPA	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The clarification that CCPA consent is in addition to COPPA consent is both necessary and	W162-51 W190-44	01356-01357 01604

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	consent, and that it is inconsistent and preempted by COPPA.	not inconsistent with COPPA because COPPA only covers personal information *collected* online from a child under the age of 13 whereas the CCPA prohibits the *sale* of children's personal information regardless of whether collected online, offline, or from a third party. ISOR, p. 34.		
803.	Amend the regulations so that a business may send one consent request to parents with separate checkboxes for COPPA and CCPA consent.	No change has been made in response to this comment. The comment's proposed change is not necessary. Businesses have flexibility in how to obtain consent under the CCPA and further specificity is not needed in the regulations.	W60-14	00326-00327
804.	Asks various questions about § 999.330, such as: 1) what happens when a parent consents to CCPA sale of a child's information, but not to COPPA collection, 2) what is sufficient proof of age, 3) is opt-in required for everyone unless the business employs a third-party identity verification tool to confirm a person's age, 4) how is a phone or video call a verification for a parent or guardian, 5) must a parent or guardian submit an ID, and 6) does a business that collects personal information from both parents and their children have to obtain opt-in consent for all of the personal information.	No change has been made in response to this comment. The comment raises specific legal questions and seeks legal advice regarding the CCPA and is therefore irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance. To the extent the question focuses on the original text of 999.330(a)(1) which applied to businesses that collect personal information, the OAG has revised the provision to only apply to businesses that sell personal information in response to other comments.	W60-14 W67-2 W203-36 W203-37 W203-38	00327 00416 01671 01671 01671
805.	Amend regulations to not require businesses operating a website or online service to investigate or inquire about the age of the visitor or user.	No change has been made in response to this comment. The comment misinterprets the regulations, which do not require a business to investigate or inquire about age. Sections 999.330, 999.331, and 999.332, which track language in Civil Code § 1798.120(c) and (d), apply to a business that has "actual knowledge" that it sells the personal information of consumers less than 16 years of age. Civil Code § 1798.120(c) provides that a business that willfully disregards the consumer's age shall be deemed to have had actual knowledge of the consumer's age. Whether a business has "actual knowledge," is a fact-specific determination.	W73-18	00523

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806.	Add to § 999.330(a)(2) that parental consent form can be signed "physically and electronically" by the parent and returned by "electronic mail, electronic form."	Accept in part. Section 999.330(a)(2) has been modified to clarify that the parental consent form may be signed both physically and electronically. No modification has been made to specify that the parent may return the consent by electronic mail or electronic form because the listed methods in 999.330(a)(2) are not exclusive.	W177-22	01490
807.	Modify § 999.330(a)(1) to state "utilize" instead of "establish, document, and comply with" a reasonable method for determining parental consent.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. For reasons stated in the ISOR, requiring documentation of the method provides transparency into the process and an easy way to confirm the business has set up the method and is following it. See ISOR, p. 34.	W162-51 W190-44	01356 01604
808.	Modify § 999.330(a)(1) to "a child" instead of "children." Commenters claim "children" differs from COPPA's language of "a child" and would cause confusion and be preempted by COPPA.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The small variation in language is unlikely to cause confusion or be preempted by COPPA because the intent is clear.	W162-51 W190-44	01356 01604
809.	The regulations fail to address potential inconsistencies between the CCPA and COPPA. Commenters claim 1) the CCPA's definition of "sale" and "personal information" means that businesses may need to obtain parental consent even if solely collecting and using personal information to support internal operations and to give to an entity other than a service provider, which COPPA allows, and 2) children may publically post an alias to track and compare game scores anonymously with other users which is allowed by COPPA but possibly not by the CCPA.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. The OAG also interprets the comment as an observation rather than a specific recommendation to change these regulations. The OAG has not addressed the issue of children's online anonymity at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue.	W87-1	00616

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- **§ 999.330(b)**				
810.	Revise § 999.330(b) to not allow authorized agents to access/delete/opt-in/opt-out of sale of personal information of children under 13 because it conflicts with COPPA which only gives parents rights to access and delete personal information of children.	Accept. Section 999.330(b) has been modified and § 999.330(c) added to make clear authorized agents may not access, delete, opt-in, or opt-out of sale of personal information of children under 13.	W87-3	00617-00618
§ 999.331. Minors 13 to 16 Years of Age				
811.	Unclear about whether CCPA's exception to the definition of "sale" where a consumer uses or directs the business to intentionally disclose personal information or uses the business to intentionally interact with a third party applies for consumers aged 13-15.	No change has been made in response to this comment. There is no need for a regulation because the CCPA and the regulations are clear. Civil Code § 1798.120(c) prohibits a business from selling the personal information of a consumer who is at least 13 years of age and less than 16 years of age without affirmative authorization. Obtaining affirmative authorization is a prerequisite to the sale of personal information. To the extent that the comment raises specific legal questions and seeks legal advice regarding the CCPA, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W87-7	00619
ARTICLE 6. NON-DISCRIMINATION				
§ 999.336. Discriminatory Practices				
812.	Maintain in final rule that businesses may offer financial incentives as permitted by CCPA and that denials of requests to know, delete, or opt-out for reasons permitted by CCPA are not discriminatory.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W38-30	00161
813.	The OAG should clarify how a business (including one offering a "loyalty program") may justify that a price or service difference is reasonably related to the value provided to the business by the consumer's data.	No change has been made in response to this comment. In order to facilitate businesses' calculation of a reasonable good-faith estimate of the value of a consumer's data, § 999.337 provides descriptions of multiple factors and methods for businesses to consider. Whether a particular price or service difference is	W60-1 W60-2 W60-3 W73-20 W207-2	00321 00321 00321-00322 00524 01705-01707

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		reasonably related to the value of the consumer's data is a fact-specific question that will depend on the business's reasonable good-faith estimate of the value of the consumer's data and the price or service difference offered.	W207-3 OSF5-1	01705-01707 SF 25:18-26:1
814.	"Loyalty programs" should be exempt from requirements applicable to financial incentive programs because "loyalty programs" create value by incentivizing repeat business, not through the value of consumers' data to the business. Comment suggests the exemption could be achieved through a rule providing that, when a consumer voluntarily participates in the loyalty program, the benefits offered through the program are conclusively presumed to be reasonably related to the value of the consumer's data.	No change has been made in response to this comment. The Legislature considered but ultimately rejected a bill that would have exempted "loyalty programs" from certain requirements applicable to financial incentive programs. *See* A.B. 846 (2019-2020). Legislative history indicates that some "loyalty programs" also sold consumer data as opposed to merely incentivizing repeat business. As enacted, the CCPA does not define "loyalty programs" or provide an exemption for them. The comment's proposed definition of "loyalty programs" fails to distinguish between price or service differences imposed because of a consumer's exercise of a right under the CCPA and price or service differences imposed for other reasons. Thus, the comment's proposed definition and exemption would defeat Civil Code § 1798.125's anti-discrimination provisions by allowing any business to impose otherwise unlawful price or service differences and financial incentives so long as the business styled the discriminatory difference or incentive as a "loyalty program." The comment fails to provide evidence that "loyalty programs" are in fact unrelated to the value of the consumer's data to the business. Finally, the comment proposes that loyalty programs should be exempt from the CCPA's antidiscrimination provisions via a rule establishing that the benefits of any loyalty program a consumer voluntarily participates in are necessary reasonably related to the value of the consumers data without any evidence showing such a reasonable relationship. This proposal would have the effect of functionally eliminating Civil Code § 1798.125's "reasonably related" requirement and is contrary to the purpose of the CCPA's anti-discrimination provision.	W53-2 W53-3 W120-10 W202-10 W206-15 W206-16	00241-00242 00242-00243 00932 01662 01700-01701 01700-01701

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815.	Regular statements already issued by retailers with loyalty programs, like receipts indicating discounts, should be deemed sufficient to show that loyalty program benefits are reasonably related to value of consumer data.	No change has been made in response to this comment. A financial incentive or price or service difference that treat a consumer differently because the consumer exercised a right conferred by the CCPA or its implementing regulations is discriminatory unless it is reasonably related to the value of the consumer's data to the business. Civil Code § 1798.125; § 999.336(a) & (b). The fact that a particular retailer may disclose the value of a discount or other price or service difference or incentive on a regular statement does not indicate that value is reasonably related to the value of a consumer's data to the business.	W53-8	00245
816.	Regulations should be re-drafted to permit businesses to rescind a financial incentive or portion thereof if a consumer revokes consent to the collection or sale of his or her personal information.	No change has been made in response to this comment. The comment does not explain why specific language addressing the issue of revoked consent to collection or sale is necessary. Civil Code § 1798.125(b)(3) already provides that "opt-in consent" to participation in a financial incentive program "may be revoked by the consumer at any time."	W155-18	01220-01221
817.	Comment contends that non-discrimination regulations conflict with federal privacy law known as COPPA and requests provision that would provide specifically that denial of services to a child under age 13 without parental consent in accordance with COPPA does not violate the CCPA and that use of credit card transaction to verify parental consent does not constitute a financial incentive.	Accept in part. The regulations have been modified to provide that "[a] price or service difference that is the direct result of compliance with state or federal law shall not be considered discriminatory." See § 999.336(g). This modification should resolve the commenter's concern that compliance with federal law could lead to price or service differences. However, whether compliance with federal law necessarily causes a price or service difference or would otherwise constitute a financial incentive is a fact-specific question on which the commenter should seek legal advice. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W87-5	00618-00619
818.	The OAG should clarify that a business may provide an estimate of the aggregate value of consumer data instead of an estimate of the	No change has been made in response to this comment. In order to make an informed decision whether to participate in a financial incentive program, a consumer must know whether the value of the financial incentive is reasonably related to the value	W60-1 W60-4 W98-9	00321 00322 00723

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	value of data pertaining to an individual consumer to satisfy this requirement.	of the consumer's data to the business. See Civil Code § 1798.125; § 999.307. The aggregate value of all consumers' data will not allow a consumer to make this informed decision. Moreover, a business can opt to use a different method set forth in § 999.337(a)(3); for example, the business could (a)(3)'s method of "[t]he aggregate value to the business of the sale, collection, or deletion of consumers' data divided by the total number of consumers."		
819.	Clarify that a business's failure to provide a service that cannot be offered due to the exercise of a CCPA right is not considered discriminatory.	Accept in part. The CCPA recognizes that the exercise of certain rights may sometimes conflict with the provision of particular goods or services requested by consumers. For example, a business is not required to comply with a request to delete when the information subject to the request "is necessary for the business…to…provide a good or service requested by the consumer." Civil Code § 1798.105(d)(1). The regulations have been modified to acknowledge that acting in accordance with this type of exception is not discriminatory. See § 999.336(c). The regulations now also contain an example in which a business would be permitted to deny a request to delete in order to provide a service requested by the consumer and that was reasonably anticipated within the context of the business's ongoing relationship with the consumer. *See* § 999.336(d). Whether the CCPA or a regulation permits the denial of a particular request to know, delete, or opt-out or alternatively permits denial of a particular requested service the business believes would be impossible to provide if the request is granted is a fact-specific question on which the commenter should seek legal advice. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W67-3 W73-19 W140-3 W141-4 W151-12	00416 00523-00524 01078-01079 01082 01186

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820.	Example 2 in the initial regulations does not make sense.	Accept in part. While the comment did not provide any suggestion to reform this example, the example has been removed in favor of other examples.	W69-42 W123-13 W151-12	00465-00466 00958 01186
821.	Comment proposes specific example for inclusion in regulations: "if a retailer offers a loyalty card program to its shoppers, it must allow the consumer to opt out of the sale of the consumer's information, and may only charge a fee for such opt-out if the fee is reasonably related to the value the retailer obtains from selling the consumer's information, which the retailer collected as a result of monitoring the consumer's purchases as part of the loyalty program."	Accept in part. The regulations have been modified to include several examples regarding the permissibility of certain financial incentive programs in § 999.336(d).	W74-33	00535-00536
822.	Section 999.336 impermissibly prohibits price and service differences that the CCPA would permit when such are reasonably related to the value of the consumer's data.	No change has been made in response to this comment. The comment is incorrect. Section 999.336 provides that a "business may offer a… price or service difference if it is reasonably related to the value of the consumer's data." Civil Code § 1798.125(a)(2) employs the same "reasonably related" standard.	W120-10	00932
823.	Remove provision providing that "[a] financial incentive or a price or service difference is discriminatory … if the business treats a consumer differently because the consumer exercised a right conferred by … these regulations" because the CCPA describes only violations of the statute as potentially discriminatory.	No change has been made in response to this comment. Civil Code § 1798.125(a) prohibits discrimination "against a consumer because the consumer exercised any of the consumer's rights under [*i.e.*, the statutory title containing the CCPA]." These regulations are issued pursuant to authority conferred under the title containing the CCPA. *See* Civil Code § 1798.185. Accordingly, any right described in these regulations is a right "under this title" as set forth in the CCPA. Moreover, the rights described in the regulations are not distinct from those in the CCPA. Rather, the regulations provide details, rules, and procedures necessary to effectuate the rights contained in the CCPA itself. Thus, any rights described by the regulations derive from the authority granted in the CCPA itself and implement the rights contained in the statute. If a business discriminates on the	W162-52	01357

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		basis of a consumer's exercise of a right described in these regulations, the business has necessarily discriminated on the basis of a CCPA right. The language of § 999.336(a) simply states this explicitly.		
824.	Remove requirement that any financial incentive or price or service difference must be reasonably related to the value of the consumer's data because that requirement will be difficult for magazine publishers to comply with and does not reflect the current practice of the magazine publishing business model.	No change has been made in response to this comment. The comment's request conflicts with the CCPA, which permits price or service differences related to the exercise of CCPA rights only "if that difference is reasonably related to the value provided to the business by the consumer's data." Civil Code § 1798.125(a)(2); see also *id.* § 1798.125(b). The regulation simply clarifies this requirement, which the statute itself imposes.	W166-6	01384
825.	Exempt from anti-discrimination rules any financial incentives offered in exchange for information collected for internal marketing purposes.	No change has been made in response to this comment. The CCPA describes "financial incentives" to "includ[e] payments to consumers as compensation for the collection of personal information." Civil Code § 1798.125(b)(1). The comment does not explain why the financial incentives it describes would not fall into this description nor does it provide sufficient evidence to support the claim that this information should be exempt from otherwise applicable rules.	W167-10	01394
826.	Comment disagrees with CCPA's allowance for price or service differences that are reasonably related to the value of the consumer's data because it has the potential to harm communities already subject to discrimination. Privacy shouldn't be just for the wealthy.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation.	W174-60 OSF9-5 OFres3-3	01463-01464 40:17-41:5 Fres 18:19-18:21
827.	The OAG should prohibit price or service differences and financial incentives in markets that are consolidated or where consumers lack choices.	No change has been made in response to this comment. Civil Code § 1798.125(b) prohibits a business from using financial incentive practices that are "unjust, unreasonable, coercive, or usurious in nature." To the extent that further regulations are necessary to address markets that are consolidated or where consumers lack choices, the OAG has not addressed this at this time in an effort to prioritize drafting regulations that	W174-61	01464

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		operationalize and assist in the immediate implementation of the law. The OAG, however, notes this concern and takes it under consideration for future rulemaking.		
828.	Amend regulations to clarify that businesses may not charge consumers more for exercising their right to know.	No change has been made in response to this comment. Civil Code § 1798.145(i)(3) identifies the limited situations in which a business may charge a fee pursuant to a consumer's exercise of the right to know. Section 999.336(f) references that Civil Code section and does not expand in any way a business's right to charge fees for the exercise of a consumer's right to know. No further clarification is necessary.	W174-62	01464-01465
829.	Add provision stating "Any price or service difference offered by a business under section 999.337 shall be offered equally to all consumers."	No change has been made in response to this comment. The proposed language is overbroad and conflicts with the text of the CCPA. Civil Code § 1798.125 permits price or service differences that are "reasonably related to the value provided to the business by the consumer's data." Thus, if one consumer exercises their right to opt out of sale of their data, the business may deny that consumer a price difference reasonably related to the value of the consumer's data while the business continues to offer that price difference to another consumer who has not exercised the right to opt out.	W174-65	01466-01467
830.	Add provision requiring Public Utilities Commission ("CPUC") approval before any public utility may offer a financial incentive.	No change has been made in response to this comment. The comment does not provide sufficient evidence that the OAG has the authority to require businesses to apply to a separate public agency, the CPUC, in order to offer financial incentives. The comment notes "Pub. Util. Code § 701 gives the CPUC broad statutory authority to regulate utilities," and it is not clear whether the proposed application process would encroach on the CPUC's authority.	W178-10 OSF16-1	01499-01500 SF 64:4-66:21
§ 999.337. Calculating the Value of Consumer Data				
831.	Maintain in final rules many options for calculating value of consumer's data, including	The OAG appreciates this comment of support. No change has been made in response to this comment. The amended rules have eliminated one of the original calculation factors in	W38-31 W174-63	00161-00162 01465-01466

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	any other practical and reliable method used in good faith.	response to other comments. However, in line with this comment, the regulations have maintained multiple options for businesses to consider, including "any other practical and reasonably reliable method of calculation used in good faith." See § 999.337(a)(8).		
832.	Impose more stringent data-value transparency requirements on businesses generating more than $10 billion in annual revenue from online data transactions.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. It does not suggest how to increase transparency requirements for the businesses it targets. Additionally, to meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue; however, existing requirements applied to all covered businesses already provide for transparency with respect to the value of the consumer's data.	W25-3 OLA26-1	00066 LA 82:15-83:3
833.	There is no generally accepted method to calculate the value of a consumer's data and some of the suggested calculation methods are "unproven," are not supported by specific factual findings, or may not be compliant with Generally Accepted Accounting Principles or SEC reporting requirements.	No change has been made in response to this comment. Section 999.337 provides sufficient flexibility to businesses by requiring a "reasonable and good faith method for calculating the value of the consumer's data" and, in addition to providing several examples for businesses to consider, specifically permits businesses to consider "[a]ny other practical and reasonably reliable method of calculation used in good-faith." The comment does not explain why these options are insufficient to allow compliance with Generally Accepted Accounting Principles or SEC reporting requirements. Moreover, the comment does not explain why the considerations provided are not sufficient to allow a business to employ a method it believes is best supported and suited to its circumstances.	W53-6 W53-7 W120-12 W141-4 W147-5 W157-4	00244 00244 00933 01082 01125-01126 01238, 01245-01249, 01250
834.	Clarify the value of the consumer's data is the value of that data to the business.	Accept. Modifications have been made to reflect amendments to the CCPA, which include the clarification the comment advocates. See Civil Code § 1798.125(a) & (b); § 999.301(w).	W69-43 W123-13 W190-46	00466 00958 01605

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835.	Clarify the methodology for determining the value of a consumer's data.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. Section 999.337 provides descriptions of multiple factors and methods for businesses to consider.	W72-4 W104-8	00512 00789
836.	Eliminate from § 999.337 the provision allowing consideration of "revenue or profit generated by the business from separate tiers, categories or classes of consumers" because the provision could facilitate discrimination.	Accept. Provision deleted.	W80-7 W174-64 W174-65	00572-00573 01466-01467 01466-01467
837.	Exemption of certain small businesses from the CCPA's requirements could lead to inaccurate calculation of the value of the consumer's data.	No change has been made in response to this comment. The comment objects to the CCPA itself, specifically certain thresholds contained in Civil Code § 1798.140(c)'s definition of "business."	W93-1	00668-00671
838.	Rules should permit businesses to provide reasonable, good-faith estimates of the value of the consumer's data when other methods are not workable for a particular business's context.	Accept in part. Section 999.337(a)(8) has been modified to include the word "reasonably." This modification, along with already existing language in § 999.307(b)(5)(a) that requires a "good-faith estimate of the value of the consumer's data," sufficiently addresses the comment's concerns by allowing for flexibility.	W104-8 W157-4	00789 01250
839.	Calculation method for the value of consumer's data should be based on the value of the data to the consumer or related to the respective consumer rights rather than value to the business.	No change has been made in response to this comment. Amendments to the CCPA have clarified that the relevant value is the value provided to the business by the consumer's data. *See* Civil Code §§ 1798.125.	W143-5 OSF23-3	01099-01100 SF 83:5-83:20
OTHER – NOT REGARDING A PARTICULAR SECTION				
- Amendments to CCPA				
840.	AB 874 incorporated the previously proposed suggestions with respect to determining what data is "capable of" constituting personal information and clarifying the allowable uses of government records data.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations.	W127-10	00991

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- **Burdensome on Businesses**				
841.	The regulations go beyond the scope of the statute and impose overly burdensome and costly obligations on businesses. Comments claim that the regulations impose a disproportionate burden to small businesses, and are burdensome to sole proprietors, startups, nonprofit organizations, car dealers, and businesses with offline practices. Comments claim that the burdensome regulations do not create proportional benefits for consumers and that the Attorney General should consider the impact on businesses, which may be in excess of the $55 billion the SRIA calculates, and ensure that they are not faced with too many burdens that stifle innovation. Comments also claim that unnecessary burdens should be removed from the regulations because they undermine the statutory intent of the CCPA, are unjustified, enlarge the CCPA's obligations, and make compliance more difficult. Comments also claim that they undermine existing practices designed to protect consumer information, expand the costs of compliance, have a substantial adverse economic impact, will stifle industries, decrease consumer choice, and will give rise to unnecessary enforcement action and litigation.	No change has been made in response to this comment. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. This includes limiting the burden to small businesses. For example, the OAG determined that the requirements of § 999.317(g) are limited to those businesses that handle a large amount of personal information, and even further revised the application of this section in response to comments received during the 45-day comment period. The comment does not propose specific modifications to the proposed regulations that are less burdensome and does not provide sufficient specificity to the OAG to make any modifications to the text of the regulations. With respect to the concern regarding nonprofit organizations, the CCPA's definition of "business" is limited to entities that are organized or operated for the profit or financial benefit of its shareholders or other owners. See Civ. Code § 1798.140(c). To the extent that comments object to the burdens imposed on businesses or the scope of businesses covered by the CCPA, the comment is not directed at the proposed regulation or the rulemaking procedures followed, but rather at the definition set forth in the CCPA. See Civ. Code § 1798.140(c). As to the SRIA, the $55 billion estimate is a back-of-the-envelope calculation based on a single firm-level survey of projected CCPA compliance costs. The assumptions used for this estimate are based on the survey and are outlined in the SRIA. As noted in the SRIA (footnote 2), the TrustArc survey only sampled large firms (>500 employees) and reported compliance costs may be higher for these firms than small firms subject to CCPA. Therefore, as noted in the SRIA, the $55 billion estimate could plausibly be an overestimate of the CCPA compliance costs. Furthermore, the $55 billion estimate assumes that 75% of all California businesses are subject to the CCPA. This estimate was	W13-1 W13-5 W42-29 W83-1 W97-12 W98-15 W99-4 W101-1 W106-2 W118-1 W119-1 W122-1 W123-2 W124-1 W124-2 W126-1 W126-3 W129-3 W130-1 W162-4 W165-1 W207-1 OSac2-1 OSac8-3 OSac9-3	00028-00029 00029 00186-00187 00585 00716-00718 00724 00729 00736 00795 00923-00924 00926 00947-00948 00954 00960 00960-00961 00976 00976 01006 01013 01319-01320 01369-01370 01703-01704, 01709 Sac 10:14-13:7 Sac 34:14-34:25 Sac 36:11-37:2

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		chosen as an extreme upper bound on the plausible number of affected firms and could very well overestimate the true number of affected firms. As noted in the SRIA, the $55 billion compliance estimate is not a critical estimate for determining the impact of the regulation, but is meant just to put the regulatory costs into perspective of overall CCPA compliance costs.		
842.	Businesses are spending time and money to prepare and adapt to the regulations, but there are more questions than answers and in some cases the technology required does not exist. Data-driven advertising allows consumers to get free internet content, and consumers should be given the opportunity to understand this dynamic and make meaningful choices about how they interact online.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations. The regulations implement the CCPA's purpose of providing consumers with transparency and rights over their personal information so that they can better understand how businesses use their personal information and can make meaningful choices.	W96-7	00687
843.	Businesses must be given clear compliance guidelines. Commenters claim that businesses still face several ambiguities and uncertainties, that the regulations should clarify these, and that without further clarity consumer privacy and benefits would be undermined.	No change has been made in response to this comment. The comment does not propose specific amendments to the proposed regulations and does not provide sufficient specificity to the OAG to make any modifications to the text of the regulations.	W98-15 W106-2 W123-2 W124-2 W125-1 W166-1	00724 00795 00954 00960-00961 00968 01382
844.	Instead of burdensome regulations, the Attorney General should consider and address compliance and potential conflicts with regulatory alternatives, such as privacy protection requirements found in current laws. For example, several industry privacy notice requirements have been in place for a number of years, have been perfected over time, and are familiar to consumers. A simplified standardized approach to this issue would benefit consumers and businesses.	No change has been made in response to this comment. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. The CCPA provides consumers with a number of new rights regarding their personal information and requires the disclosure of specified information in businesses' privacy policies. Civ. Code §§ 1798.130(a)(5), 1798.135(a)(2). For the reasons stated in the ISOR and FSOR, the regulations' requirements regarding privacy policies and notices are necessary to implement the CCPA and to inform consumers of their rights under the CCPA. ISOR, pp. 9-15, 29, 35-36; FSOR, §§ 999.304-999.308, 999.317(g), 999.332.	W129-3 W130-1	01006 01013

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845.	While burdens will be placed on businesses, they have a responsibility in allowing consumers to exercise their right to privacy, and the cost of compliance will drop as systems are put into place to streamline processes.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W200-1	01650
846.	The regulations will limit programs and services that consumers enjoy, reduce the use and value of consumer data, and place requirements on businesses that will ultimately substantially restrict rather than enhance consumer choice and control. Further, they will not effectuate the CCPA's stated goals.	No change has been made in response to this comment. The comment does not propose specific amendments to the proposed regulations and does not provide sufficient specificity to the OAG to make any modifications to the text of the regulations.	W207-1 OSF5-1	01703-01704, 01709 SF 24:15-26:1
- **Business to Business Information**				
847.	Personal information transmitted from business-to-business contacts is exempt from CCPA until January 1, 2021. Comment notes that personal information is sometimes used for business contacts, such as a personal cell phone. Recommends that regulations make the business contacts exception permanent and allow businesses to determine when personal information falls into this exception when there is sufficient evidence to determine that the personal information has been provided as part of a business relationship.	No change has been made in response to this comment. With regard to making the business contacts exception permanent, the comment objects to the CCPA, not the proposed regulations. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope. As to allowing businesses to determine when personal information falls into the business-to-business exception, the OAG has not addressed this issue at this time in an effort to prioritize drafting regulations that operationalize and assist in the immediate implementation of the law.	W115-27 W115-28	00883-00884 00884
848.	Requests further clarification on parameters of Civil Code § 1798.145(n)'s exceptions for personal information collected for business-to-business purposes, such as clarification that it excepts the collection of information between two businesses in all circumstances provided the information is collected for the purpose of one	No change has been made in response to this comment. Civil Code § 1798.145(n) adequately explains the exceptions for personal information collected for business-to-business purposes.	W48-2 W154-5 W168-3	00217 01203 01398

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	business providing another business a good or service.			
849.	Requests that the regulations explicitly include site level contracts signed by an individual on behalf of rental property owners in Civil Code § 1798.145(n)'s exceptions for personal information collected for business-to-business purposes.	No change has been made in response to this comment. The OAG does not believe it necessary to propose any business-to-business regulations at this time. Civ. Code § 1798.145(n) adequately explains the exceptions for personal information collected for business-to-business purposes.	W168-3	01398
850.	Requests that the regulations explicitly include in Civil Code § 1798.145(n)'s exception for personal information collected for business-to-business purposes the personal information of "persons engaged in transactions in the role of institutional investors, trustees, partners, employees, beneficiaries, or other natural persons associated with financial accounts that are held in the names of institutions, partnerships, businesses, trusts, and estates."	No change has been made in response to this comment. The OAG does not believe it necessary to propose any business-to-business regulations at this time. Civ. Code § 1798.145(n) adequately explains the exceptions for personal information collected for business-to-business purposes.	W186-13	01551
851.	Regulations should clarify that Civil Code § 1798.120 and Civil Code § 1798.125 are also part of Civil Code § 1798.145(n)'s CCPA exceptions for personal information collected for business-to-business purposes.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulations.	W206-17	01701
852.	Clarification for cloud-based business-to-business services, which have been largely misunderstood or overlooked in the CCPA context.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text.	W90-7 OSF21-5	00650 SF 75:10-75:12
- **Conflicts with Other Laws**				
853.	This area of the law is already well-covered by other existing statutes. Unclear about how CCPA will be harmonized with GLBA and other federal laws.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text.	W106-1 W123-1	00794-00795 000954

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854.	Comment urges that any new requirements beyond those delineated in the statute be removed from the regulations. CCPA continues to contain unclear requirements that raise significant operational and compliance problems that do not advance privacy or data security. The 2020 ballot initiative would completely change the features, system changes, user interface, and backend workflow which was designed and implemented by the industry. Compliance has been costly and every small change to the CCPA necessitates expensive changes to platforms.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text and appears to be an observation rather than a specific recommendation to change these regulations. The comment's concern about the 2020 ballot initiative is irrelevant, as the initiative has not been approved nor has it taken legal effect at this time.	W190-1	01588-01589
855.	Provide a safe harbor or exception for businesses that operate under existing privacy regimes and comply with other privacy laws. Comments propose a safe harbor or exception for businesses complying with the General Data Protection Regulation (GDPR); credit unions using third parties to provide services that were granted exceptions from privacy requirements within the California Financial Information Privacy Act (FIPA); claims professionals; and HIPAA-covered entities. Comments also propose a safe harbor for businesses that maintain appropriate data security practices promulgated by federal regulators or recognized national and international standards-setting organizations. Comments claim that it would be a significant challenge for businesses to comply with both the CCPA and other existing privacy laws to which they are subject, particularly for industries already subject to extensive regulation, and that the Legislature did not intend for the CCPA to	No change has been made in response to this comment. The proposed changes do not fall within any enumerated exception provided for by the CCPA. Civil Code § 1798.175 provides that where there is a conflict between laws, "the provisions of the law that afford the greatest protection for the right of privacy for consumers shall control." Civil Code § 1798.196 also states that the CCPA is intended to supplement federal and state law, if permissible, but shall not apply if such application is preempted by or in conflict with federal law. The CCPA charges the Attorney General with enforcing the CCPA and adopting regulations to further its purposes. Civil Code §§ 1798.155, 1798.185. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA, which creates new privacy rights for consumers and imposes corresponding obligations on businesses subject to it. The CCPA has different requirements, definitions, and scope from the privacy laws identified in the comment. For example, as stated in the ISOR, the CCPA and the GDPR differ in several important respects. See ISOR, p. 43. HIPAA-covered entities should consider Civil Code § 1798.145(c) to determine the delta of its compliance obligations between HIPAA and CCPA. The proposed safe harbors and exceptions	W31-7 W117-3 W135-1 W141-8 W151-14 W176-7 W176-9 W189-1 OLA1-1	00113 00916-00917 01037-01041 01083 01186-01187 01474-01476 01478 01580-01581 LA 9:11-10:4

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	apply to HIPAA-covered entities, claims professionals, and other industries already subject to extensive regulation. Comments request that other laws protecting personal information be considered in creating exceptions to the CCPA and to make such exceptions clear.	would not effectively further the purposes of the CCPA. Additional exceptions may be sought through legislative amendment.		
856.	The Attorney General should harmonize and align the CCPA's requirements with existing privacy laws. Comments propose that the CCPA be harmonized with and conform with, the California Online Privacy Protection Act (CalOPPA), the federal Children's Online Privacy Protection Act (COPPA), and the General Data Protection Regulation (GDPR). Comments claim that harmonization is necessary to promote consistency, predictability, efficiency, and clarity, and to reduce compliance burdens. Comments also claim that it is unrealistic to expect international businesses to adopt separate privacy policies for each country or state.	No change has been made in response to this comment. The CCPA has different requirements, definitions, and scope from the privacy laws identified in the comment. For example, as stated in the ISOR, the CCPA and the GDPR differ in several important respects. See ISOR, p. 43. The regulations are consistent with and necessary to carry out the purpose and intent of the CCPA, which creates new privacy rights for consumers and imposes corresponding obligations on businesses subject to it. The OAG has made every effort to utilize existing privacy frameworks in the regulations where appropriate, such as in Article 5 as it relates to COPPA. For the reasons stated in the ISOR, the regulations regarding privacy policies are necessary to ensure that the privacy policy contains the necessary information and is provided in a manner that makes it easily accessible and understandable to consumers, as required by Civ. Code § 1798.185(a)(6). See ISOR, pp. 15-16. In drafting the regulations, the OAG considered the impact on businesses; the regulations leave flexibility for businesses to determine how to present the required information, including whether to draft a generally applicable privacy policy that incorporates the requirements of the CCPA and the regulations as well as those of other laws.	W50-5 W73-6 W115-3 W156-1 W157-7	00231 00516 00874 01227-01228 01253
857.	The Attorney General wrongly determined that there are no existing state regulations that address the subject matter of the proposed regulations. For insurers, the California Department of Insurance implements and	No change has been made in response to this comment. The OAG has determined that while other state privacy laws and regulations exist, there are no existing state regulations that address the specific consumer privacy rights and corresponding business obligations created by the CCPA, and that the proposed	W42-29	00186-00187

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	enforces the Insurance Information and Privacy Act.	regulations are not inconsistent or incompatible with any existing state regulations.		
858.	Having multiple regulators poses a significant challenge, and it would be more effective and efficient to charge regulators that already oversee industries with the enforcement of the rules relating to that industry. With respect to insurers, the Attorney General should defer investigation and enforcement to the California Department of Insurance, which regulates insurers and implements and enforces the Insurance Information and Privacy Act.	No change has been made in response to this comment. The comment appears to object to the CCPA, not the proposed regulations. The CCPA charges the Attorney General with enforcing the CCPA and adopting regulations to further its purposes. Civ. Code §§ 1798.155, 1798.185. The regulations are consistent with and necessary to carry out the purpose and intent of the CCPA, which creates new privacy rights for consumers and imposes corresponding obligations on businesses subject to it.	W42-29	00186-00187
859.	Clarify to what extent Civ. Code §§ 1798.145 and 1798.196 apply to card rooms that only collect personal information as required by the Bank Secrecy Act and federal and state tax reporting rules, and that are prohibited from making certain disclosures under the Bank Secrecy Act. Whether the CCPA is preempted by or in conflict with federal law is highly dependent on administrative and judicial interpretations, and is not easily determined by a private party. Confirm that the CCPA is preempted where information is collected to comply with federal or state law, and that federal law that requires the collection of information for law enforcement purposes preempts the CCPA.	No change has been made in response to this comment. As the comment references, Civ. Code § 1798.145 states that the obligations imposed by the CCPA shall not restrict a business's ability to comply with federal, state, or local law, and Civ. Code § 1798.196 states that the CCPA shall not apply if it is preempted by or in conflict with federal law. The regulations are meant to be robust and applicable to many factual situations and across industries, and to provide general guidance for CCPA compliance. Compliance with the CCPA, and the applicability of exceptions, is a fact-specific determination. The comment raises specific legal questions and seeks legal advice regarding the CCPA and is therefore irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance and exception concerns.	W128-1 OSF7-1	00998-01000 SF 33:8-34:11
860.	Clarify that the CCPA does not apply to claims adjustment industry. Other laws extensively regulate the claims adjustment industry regarding privacy and transparency and already provide greater protection to insured consumers, and application of the CCPA would lead to	No change has been made in response to this comment. The proposed change to except the claims adjustment industry does not fall within any enumerated exception provided for by the CCPA. As the comment references, Civil Code § 1798.145 states that the obligations imposed by the CCPA shall not restrict a business's ability to comply with federal, state, or local law, and	W176-1 W176-7 W176-8	01470, 01470 01474-01476 01477

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	conflicting regulatory standards. The CCPA already excepts most of the personal information that the claims industry receives and many claims management activities, so application of the CCPA to the industry will result in widespread consumer confusion without providing additional protections.	Civil Code § 1798.196 states that the CCPA is intended to supplement federal and state law, if permissible, but shall not apply if such application is preempted by or in conflict with federal law. The regulations are meant to be robust and applicable to many factual situations and across industries, and to provide general guidance for CCPA compliance. The proposed exemption of an entire industry is overly broad and would not further the purpose and intent of the CCPA, which already sets forth specific exemptions. Modifying the regulation to include the specific context of how the law applies to claims professionals would also add complexity to the rules without providing identifiable benefits.		
861.	The imprecise language of the regulations could be interpreted as undercutting the CCPA's foundational principle that the CCPA does not restrict a business's ability to comply with other laws, does not apply if it is preempted or in conflict with federal law or the Constitution, or apply with regard to certain activities and entities covered by other specified laws.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. The regulations are consistent with the CCPA, and the CCPA controls in the event of any conflict.	W176-2	01470-01471
- **Data Broker**				
862.	The regulations do not provide any guidance on the requirements for a "data broker" that were added in the amendments from AB 1202. Testing organizations should not be considered data brokers because they share test results with their partners and service providers to fulfill their responsibilities to the consumer. Where the third parties involved in providing testing services may not have a "direct relationship" with test takers, that does not make the third parties or the controlling business a "data broker."	No comment has been made in response to this comment. These regulations have been issued in response to the mandate set forth in the CCPA (see Civ. Code § 1798.185), and not subsequent legislation that refers to the CCPA, such as AB 1202. This comment is therefore irrelevant.	W115-58	00895-00896

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863.	Data brokers should be required to identify the factors used in algorithmic decision-making practices that affect a consumer, such as consumer scores, so that consumers know how their personal information is being used and collected.	No change has been made in response to this comment. The term "personal information" includes inferences drawn from any of the information identified in Civil Code § 1798.140(o) to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes. Civ. Code §§ 1798.140(o)(1)(K), 1798.140(m). To the extent that a data broker collects this type of personal information, it shall be required to fully disclose this to a consumer submitting a verifiable request. Civ. Code §§ 1798.100, 1798.110, 1798.115.	W80-5	00569-00570
- **Delay Enforcement / Effective Date**				
864.	Issue the final regulations as soon as possible and no later than January or February 2020. Businesses need time to review the final regulations, draft their "right to know" notices, and work with computer security consultants to establish reasonable electronic security measures.	No change has been made in response to this comment. The CCPA states that "on or before July 1, 2020, the Attorney General shall solicit broad public participation and adopt regulations to further the purposes of this title." Civ. Code § 1798.185(a). The OAG has made every effort to issue final regulations in a timely manner that comply with the CCPA and the rulemaking procedures.	W33-2	00120
865.	Specify the date that enforcement will begin.	No change has been made in response to this comment. The CCPA states that the "[t]he Attorney General shall not bring an enforcement action under this title until six months after the publication of the final regulations issued pursuant to this section or July 1, 2020, whichever is sooner." See Civ. Code § 1798.185(c).	W33-2	00120
866.	The effective date of the CCPA should be delayed or tiered. Extending the effective date is reasonable to understand and comply with complex and entirely new privacy regulations that require businesses to design, test, and implement many new processes.	No change has been made in response to this comment. The comment's proposed change is not consistent with the CCPA, which states that it is operative on January 1, 2020. See Civ. Code § 1798.198(a).	W136-11 W185-4 OFres1-1 OSac6-1 OSF12-1 OSF14-1	01053 01544 Fres 9:14-10:14 Sac 26:13-27:2 SF 49:16-50:8 SF 57:7-57:19

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867.	Effective date of the regulations should be delayed or tiered. Comments claim that businesses need time to come into compliance and implement these drastic changes, especially for regulations that are new requirements beyond those delineated in the CCPA. Comments also claim that a delay in the effective date is warranted because the CCPA and the regulations are broad; the regulations are complex and burdensome and impose substantial operational obligations and compliance costs; the CCPA is likely to change as a result of a ballot initiative; the CCPA and regulations may be preempted by federal law; and certain provisions exceed the substantive and procedural scope of the CCPA with no appreciable consumer benefit. Comments claim that the CCPA does not specify an effective date for the regulations, only an adoption date, and that Government Code § 11343.4(b)(2) allows the OAG to specify an effective date. Comments proposed various effective dates.	No change has been made in response to this comment. The OAG has considered and determined that delaying the implementation of these regulations is not more effective in carrying out the purpose and intent of the CCPA, namely providing consumers with the tools they need to control how their personal information is being used by businesses . The proposed rules were released on October 11, 2019, with modifications made public on February 10, 2020 and March 11, 2020. Thus, businesses have been aware of the requirements that could be imposed as part of the OAG's regulations. Indeed, many of the regulations are restatements of a business' obligations under the CCPA, which went into effect on January 1, 2020. Civ. Code § 1798.198(a). To the extent that the regulations require incremental compliance, the OAG may exercise prosecutorial discretion if warranted, depending on the particular facts at issue. Prosecutorial discretion permits the OAG to choose which entities to prosecute, whether to prosecute, and when to prosecute. But see Civ. Code § 1798.185(c) (enforcement may not begin until July 1, 2020). How the OAG decides to exercise its enforcement authority is beyond the scope of the regulations. Thus, any regulation that delays implementation of the regulations is not necessary. The comment's concern about the 2020 ballot initiative is irrelevant, as the initiative has not been approved by the electorate nor has it taken legal effect. The OAG has spent time evaluating federal law with preemption provisions in drafting these regulations. See, e.g., § 999.313(c)(5), (d)(6). Furthermore, Civil Code § 1798.196 expressly states that CCPA shall not apply if its application is preempted by, or in conflict with, federal law or the United States; the same limitation would apply to the regulations. The OAG also disagrees that certain provisions exceed the substantive and procedural scope of the CCPA, as Civil Code	W22-1 W42-1 W53-1 W54-2 W54-8 W61-2 W65-1 W68-9 W69-1 W70-17 W88-2 W96-2 W101-26 W103-28 W106-7 W117-1 W123-7 W123-13 W129-14 W130-1 W152-3 W155-22 W157-2 W173-7 W190-1 W190-38 OSac6-1 OSF14-4	0059 00181 00241 00260 00263 00345 00400-00401 00423 00427, 00454 00506-00507 00623 00685 00746 00783-00784 00796-00797 00914-00915 00957-00958 00958 01009 01013 01192-01193 01224 01237-01238, 01252-01253 01431 01588-01589 01603 Sac 26:13-27:2 SF 59:24-60:9

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		1798.185(b)(2) gives the Attorney General authority to adopt regulations in furtherance of the purposes of the CCPA. The comments do not provide sufficient support as to why the regulations have no appreciable consumer benefits, and other comments have disagreed with these claims.		
868.	Delay the enforcement date of the regulations. Comments claim that businesses need time to come into compliance and amend their policies and procedures, the regulations are burdensome and impose a high cost of compliance, and delay will ease the burden of compliance. Comments also claim that a delay in enforcement is warranted because the CCPA and the regulations are complex, certain provisions exceed the substantive and procedural scope of the CCPA, there are ambiguities in the law, additional guidance is needed, and there are significant difficulties with reconciling the requirements for GLBA-covered entities. Comments claim that the CCPA leaves the effective date for enforcement to the Attorney General's discretion. Commenters propose delaying enforcement by various dates: the later of July 1, 2020 or 6 months following adoption of the regulations; January 1, 2021, which would provide a 12-month lookback period for the Attorney General to take into account all aspects of a business's compliance after the CCPA's January 1, 2020 effective date; January 1, 2022, which gives companies 18 months to comply, which is still fewer than the GDPR's 2 years; and at least 2 years from the issuance of the final regulations, since a number of CCPA provisions may be	No change has been made in response to this comment. The OAG has considered and determined that delaying the implementation of these regulations is not more effective in carrying out the purpose and intent of the CCPA, namely providing consumers with the tools they need to control how their personal information is being used by businesses. The proposed rules were released on October 11, 2019, with modifications made public on February 10, 2020 and March 11, 2020. Thus, businesses have been aware of the requirements that could be imposed as part of the OAG's regulations. Indeed, many of the regulations are restatements of a business' obligations under the CCPA, which went into effect on January 1, 2020. Civ. Code § 1798.198(a). To the extent that the regulations require incremental compliance, the OAG may exercise prosecutorial discretion if warranted, depending on the particular facts at issue. Prosecutorial discretion permits the OAG to choose which entities to prosecute, whether to prosecute, and when to prosecute. But see Civ. Code § 1798.185(c) (enforcement may not begin until July 1, 2020). How the OAG decides to exercise its enforcement authority is beyond the scope of the regulations. Thus, any regulation that delays implementation of the regulations is not necessary. The comment's concern about the 2020 ballot initiative is irrelevant, as the initiative has not been approved by the electorate nor has it taken legal effect. It is also speculative to conclude that the regulations will impacted, even if the 2020 ballot initiative passes.	W50-6 W57-1 W65-1 W96-2 W98-12 W108-13 W115-65 W129-1 W130-1 W136-12 W141-1 W167-11 W173-8 W186-1 W202-1 OFres2-1 OSF12-1 OSF14-1	00231-00232 00301-00302 00400-00401 00685 00723 00820 00897-00898 01006 01013 01053 01082 01394-01395 01431 01546, 01547-01548 01656-01657 Fres 13:14-13:24 SF 49:16-50:8 SF 57:7-57:19

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	materially changed, rendering many regulations out of compliance, if the 2020 ballot initiative passes.			
869.	Delay the effective date or enforcement date by at least 3 months for any obligation that is contingent upon the provision of notice prior to taking certain actions. For example, proposed § 999.305(d) requires businesses that do not obtain information directly from consumers to confirm that the source of the information provided a notice at collection in accordance with the regulations and obtain signed attestations from sources before selling such information. Without a delayed enforcement date, third party data transfers would halt on the date the regulations are effective.	No change has been made in response to this comment. In response to other comments, the OAG has removed the example referenced, and thus, this comment is now moot.	W88-2 W173-8	00623 01431
870.	The enforcement delay under Civil Code § 1798.185(c) should be a safe harbor period for any business that is making good faith efforts to come into compliance by the end of that period, and having done so should be deemed a cure under Civil Code section 1798.155(b).	No change has been made in response to this comment. The OAG will exercise prosecutorial discretion if warranted, depending on the particular facts at issue. Accordingly, any regulation that establishes a specific safe harbor or defines what should be deemed a cure is not necessary.	W206-1	01692-01693
871.	The comment interprets Civil Code § 1798.185(c) as stating that enforcement shall not begin until "six months after [1] the publication of the final regulations issued pursuant to this section or [2] July 1, 2020, whichever is sooner." This reading is consistent with principles of fair notice and harmonizes with the legislature's clearly indicated intent to give businesses a reasonable amount of time (six months) to come into compliance with the Attorney General's	No change has been made in response to this comment. The OAG disagrees with the comment's interpretation of the CCPA. It is not reasonable to read the CCPA as requiring additional calculations from a set date, as the comment proposes (i.e., July 1, 2020 plus six months) rather than stating the set date. No other commenters who are affected by the CCPA and regulations have proposed a similar interpretation.	W65-1	00400-00401

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	regulations, which are not required to be finalized until July 1, 2020.			
-	**Employee Personal Information**			
872.	Comment believes that employee data should be exempted from CCPA. Contends that employee information is not sold and only stored for record-keeping purposes. Applying CCPA to employee information would be an unnecessary burden on companies that has nothing to do with consumer data.	No change has been made in response to this comment. The CCPA has been amended to address whether it applies to employee information. See Civ. Code § 1798.145(h). The OAG has modified the regulations to address the amendment to the CCPA concerning employment-related information. See §§ 999.301(h)-(i); 999.305(f). To the extent that the comment suggests that the CCPA should not apply to any employment information, the comment objects to the CCPA, not any proposed regulation.	W1-1 OLA7-3	00001 LA 26:11-27:9
873.	One-year exception for employment-related information is a temporary solution that creates uncertainty and makes compliance more costly.	No change has been made in response to these comments. The comments object to the CCPA, not the proposed regulation. Civil Code § 1798.145(h)(4) provides that the exception for employment-related information will expire on January 1, 2021.	W43-8 W83-8 W179-12 OLA24-1	00190 00586-00587 01505 LA 77:12-77:17
874.	Regulations do not take into account amendments to CCPA.	Accept. The amendments to the CCPA were signed by the Governor after the draft regulations were released. The OAG has modified the regulations to address amendments concerning employment-related information and business-to-business contacts. See §§ 999.301(h)-(i); 999.305(f).	W54-18 W73-7 W115-22 W115-23 W115-25 W115-27 W115-29 W156-8	00270 00516 00883 00883 00883 00883-00884 00884 01231
875.	Administering benefits should be considered a new and separate category of use of personal information. CCPA focuses on "business uses" for information. In the benefits context, none of the "business uses" fit clearly.	Accept in part. The modified regulations clarify that the collection of employment-related information, including information collected to administer employment benefits, is a business purpose under the CCPA. See § 999.301(i). The OAG has not created a new and separate category of use of personal information because it is unnecessary and not more effective in carrying out the purpose and intent of the CCPA.	W37-6 OLA24-7	00144 LA 79:8-80:11

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876.	Comment seeks clarification to ensure law protects consumers while avoiding interference with retirement plans, employer provided student-loan assistance programs, financial wellness program, health plans, and other initiatives where employers provide non-monetary benefits to their employees.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change these regulations.	W37-9	00145
877.	Make Civil Code § 1798.145(h)'s exemptions for employment-related information permanent.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulations. Civil Code § 1798.145(h) (4) states that the subdivision shall become inoperative on January 1, 2021. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W84-4	00589
878.	Some employment-related information cannot be deleted due to requirements of other laws.	No change has been made in response to this comment. Civil Code § 1798.105(d)(8) provides that businesses are not required to delete personal information that must be maintained to comply with a legal obligation.	W84-4 W94-3 W115-23 OSF15-5	00589 00673-00674 00883 SF 63:20-63:24
879.	Manufacturing employees generate information using equipment that automatically collects data. Comment proposes adding language that clarifies that information generated using equipment, materials, and facilities owned by the employer and provided to an employee is not personal information under the CCPA.	No change has been made in response to this comment. The proposed change does not fall within any enumerated exception provided for by the CCPA. Civil Code § 1798.145(h) dictates whether this information would be subject to the CCPA. Modifying the regulation to include the specific context of manufacturing employees or information generated from employees using equipment would add complexity to the rules without providing identifiable benefits.	W100-2	00732-0733
880.	Proposed regulation should make clear that in the employment testing situation contracts where an employee's test results are shared directly with employer is not prohibited.	No change has been made in response to this comment. Compliance with the CCPA and the regulations is a fact-specific determination. Modifying the regulation to include the specific situation of employment testing or other types of employee information shared directly with an employer would add complexity to the rules without providing identifiable benefits. The OAG has determined that not further clarification is needed at this time.	W115-17	00881

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881.	CCPA's exceptions for employment-related information apply to job applicants and candidates for officer and board positions. Final regulations must cover all affected individuals.	It is unclear what this comment is saying. If the comment means that the regulations for employment-related information should include all individuals identified in Civil Code § 1798.145(h), then the comment is moot.	W115-24	00883
882.	To the extent that a testing organization provides testing services, a business employer customer is often the controlling entity in determining what personal information is collected from employees or others and how it is used.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change these regulations.	W115-25 W115-27	00883 00883-00884
- **Exceeds Scope of the CCPA**				
883.	Some of the regulations exceed the scope of the CCPA, go beyond the authority of the Attorney General, and are unnecessary and unreasonable. Comments claim that some regulations create obligations not found in the CCPA, raise fair warning and due process issues for businesses, and broaden the CCPA to offline practices. These new obligations add confusion, uncertainty, increase costs, move the goalposts, necessitate further costly investments because businesses will have already implemented processes to comply with the CCPA, and will lead to confusion and noncompliance. The regulations should be revised to bring them within the authority of the Attorney General's rulemaking powers, ensure consistency with the CCPA, abide by the APA, and balance the CCPA's goals of protecting privacy and minimizing burdens.	No change has been made in response to this comment. The comment does not propose specific amendments to the proposed regulations and does not provide sufficient specificity to the OAG to make any modifications to the text of the regulations. Civil Code § 1798.185(a)(7) provides the Attorney General with the authority to establish rules and procedures to further the purposes of §§ 1798.110 and 1798.115, and § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. Civil Code § 1798.175 states that the provisions of the CCPA are not limited to information collected electronically or over the Internet, but apply to the collection and sale of all personal information collected by a business from consumers. For the reasons set forth in the ISOR, the regulations are necessary and are consistent with the CCPA. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA, and the comment does not propose specific alternatives that are as effective and less burdensome.	W43-1 W73-8 W88-1 W96-1 W97-1 W124-4 W126-1 W126-3 W129-3 W130-1 W162-1 W162-2 W173-2 W179-1 W186-19	00189 00516-00517 00623 00685 00690-00692 00962 00976 00976 01006 01013 01315-01316 01317-01319 01429-01430, 01432 01504-01505 01553
884.	Eliminate requirements that differ from or are inconsistent with the CCPA and the CPRA Initiative.	No change has been made in response to this comment. The comment does not propose specific amendments to the proposed regulations and does not provide sufficient specificity to the OAG to make any modifications to the text of the regulations. Civ. Code § 1798.185(a)(7) provides the Attorney	W120-1 W120-2 W127-9 OLA 21-1	00930 00930-00931 00982, 00989-00990 LA 64:20-67:9

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		General with the authority to establish rules and procedures to further the purposes of §§ 1798.110 and 1798.115, and § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. For the reasons set forth in the ISOR, the regulations are necessary and are consistent with the CCPA. Additionally, the CPRA has not been enacted. If, in the future, statutes are enacted that require modification of the regulations, the OAG will review and modify the regulations as necessary.		
- **Exemptions**				
885.	Clarify how higher-education institutions, which need to collect student data and cannot delete them, should comply.	No change has been made in response to this comment. Civ. Code § 1798.105(d) states the circumstances under which a business shall not be required to comply with a consumer's request to delete personal information, and § 1798.145 sets forth exemptions from the CCPA. The comment raises specific legal questions and seeks legal advice regarding the CCPA. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance. The regulations are meant to be robust and to apply to a wide range of factual situations and across industries. Given the wide variety of different industries subject to the CCPA, the OAG does not believe it will add additional clarity to provide industry-specific guidance, and believes that it would be too limiting to do so.	W23-1	00061
886.	Clarify, with respect to the exemptions in Civ. Code § 1798.145, whether a business processing patient claims, including a doctor's personal information, is entitled to rely on the covered entity for any required notice to healthcare providers, and whether organizations must send notices to doctors with whom they have longstanding business relationships as of the implementation date.	No change has been made in response to this comment. The regulations are meant to be robust and to apply to a wide range of factual situations and across industries. Given the wide variety of different industries subject to the CCPA, the OAG does not believe it will add additional clarity to provide industry-specific guidance, and believes that it would be too limiting to do so. The comment raises specific legal questions and seeks legal advice regarding the CCPA. The commenter should consult with an attorney who is aware of all pertinent facts and relevant	W59-2	00314-00315

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		compliance concerns. The regulation provides general guidance for CCPA compliance.		
887.	Create a class of dealers and manufacturers of various vehicle types to standardize the collection and exchange of information.	No change has been made in response to this comment. The regulations are meant to be robust and to apply to a wide range of factual situations and across industries. Given the wide variety of different industries subject to the CCPA, the OAG does not believe it will add additional clarity to provide industry-specific guidance and believes that it would be too limiting to do so.	W81-2	00578
888.	There are concerns regarding the use of employee information that may frustrate manufacturers' use of connected devices to sell production data and for operations.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations.	W100-1	00731
889.	Comment provides general background regarding the roles and responsibilities in testing. Any business that functions as a service provider does not control the collection and use of consumers' personal information. Consumers of tests and testing services may be individuals, but in many instances, the rights to use tests or testing services are sold to businesses or professionals. In this context, ownership of the tests is not conveyed in a commercial "sale." Responsibility for compliance with the CCPA should fall on the test owner, which makes all the relevant decisions about what personal information is collected and how it is used. Test results are not "collected" information. Application of overly prescriptive privacy requirements on the sharing of test results defeats the purpose of taking the test.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations. It also appears that the comment raises specific legal questions and seeks legal advice regarding the CCPA and is therefore irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W115-1 W115-4	00872-00874 00874-00877

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890.	Information regarding the background-screening industry is highly regulated and follows specific privacy and security-safety guidelines through statute and standard industry practices. Data that is collected, exchanged, or aggregated to compile background-screening consumer reports are done with a worker's express permission or written instructions, and there are laws that provide many consumer protections when consumer reports are prepared.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations.	W173-1	01429
891.	Classify vehicle geolocation data as sensitive information that businesses should not disclose.	No change has been made in response to this comment. The comment's proposed change is not as effective in carrying out the purpose and intent of the CCPA. In drafting these regulations, the OAG has considered the risk of disclosing personal information to unauthorized persons. Businesses cannot disclose specific pieces of personal information if they cannot verify the identity of the requestor and must use reasonable security measures when transmitting personal information to a consumer. See §§ 999.313(c)(1)), 999.313(c)(6). They must also establish, document, and comply with a reasonable method for verification, and implement reasonable security measures to detect fraudulent identity-verification activity and prevent the unauthorized access to or deletion of a consumer's personal information. See §§ 999.323(a), 999.323(e). For the reasons set forth in the ISOR and FSOR, the OAG has determined that these provisions, and the regulations regarding verification, balance the CCPA's purpose of requiring businesses to disclose to consumers the personal information they maintain regarding that consumer and the risk of disclosing personal information to unauthorized persons. See ISOR, pp. 17-18, 29-33; FSOR, §§ 999.313(c), 999.323-999.325.	W101-28	00746
892.	Exempt session cookies from the CCPA's definition of "unique personal identifier."	No change has been made in response to this comment. Civ. Code § 1798.140(x) defines "unique identifier" or "unique	W191-2	01606

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	Session cookies are required for many websites to function and, unlike persistent cookies and tracking cookies, are automatically deleted by a browser when the user closes the browser.	personal identifier" as a persistent identifier that can be used to recognize a consumer, a family, or a device that is linked to a consumer or family, over time and across different services. If a session cookie cannot be used to recognize a consumer, family, or device that is linked to a consumer or family, over time and across services, it would not fall within this definition. This conclusion, however, is fact-specific and contextual. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
893.	Exempt device identifier information from personal information that is subject to requests to know. Device identifier information can only reasonably be linked to a device, not a consumer, and because many devices are shared, unauthorized persons may be able to access personal information about others using the same shared device.	No change has been made in response to this comment. Civil Code § 1798.140(x) sets forth the definition of "Unique identifier" or "Unique personal identifier" to mean "a persistent identifier that can be used to recognize a consumer, a family, or a device that is linked to a consumer or family, over time and across different services, including, but not limited to, a device identifier…" This term is explicitly included in the definition of "personal information." Civ. Code § 1798.140(o)(1). The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope. With regard to unauthorized access to personal information from a shared device, §§ 999.318, 999.325, and 999.301(k) provide guidance on how to determine household members and the business's obligations in verifying household members.	W186-17	01552-01553
894.	Exempt from opt-out requests personal information that needs to be shared between businesses for reasonable safety or security purposes, such as vehicle history, safety, and performance.	No change has been made in response to this comment. The CCPA already exempts from opt-outs certain vehicle and ownership information retained or shared between a new motor vehicle dealer and the vehicle's manufacturer under specified circumstances. Civ. Code § 1798.145(g). Civil Code § 1798.140(t)(2) also sets forth situations in which the sharing of personal information is not considered a "sale" subject to an opt-out request. The comment's proposed change to allow businesses to deny opt-out requests for any safety or security purpose is overly broad such that businesses could use this	W101-29	00746

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		language in a manner that would not further the purpose and intent of the CCPA.		
895.	Clarify that businesses are not required to delete personal information used for lawful internal uses so long as they notify consumers, because businesses need to maintain historical data for ongoing business functions.	No change has been made in response to this comment. Civ. Code § 1798.105(d)(9) states that a business shall not be required to comply with a consumer's request to delete personal information if it is necessary for the business to maintain that information to use it internally in a lawful manner that is compatible with the context in which the consumer provided the information. The CCPA enumerates other exceptions to the obligation to comply with a deletion request. See Civ. Code § 1798.105(d). The comment's proposed change to allow businesses to deny deletion requests for any personal information used for lawful internal uses is overly broad such that businesses could use this language in a manner that would not further the purpose and intent of the CCPA.	W134-2	01033
896.	Clarify that "professional or employment-related information" excludes business-related information for credit reports.	No change has been made in response to this comment. Civ. Code § 1798.145(d) states that the CCPA does not apply, with limited exceptions, to specified activities regarding consumer reports, to the extent that those activities are subject to regulation under the Fair Credit Reporting Act and are not used, communicated, disclosed, or sold except as authorized by that Act. The comment's proposed change to exclude all business-related information for credit reports is overly broad such that businesses could use this language in a manner that would not further the purpose and intent of the CCPA.	W152-8	01197-01198
897.	Clarify that all health information related to research activities, not just those that fall under the Common Rule, are exempt from the CCPA. They are as critical to the public good and medical advances as those covered by the Common Rule.	No change has been made in response to this comment. Civ. Code § 1798.145(c)(1)(C) is expressly limited to information collected as part of a clinical trial subject to the Common Rule, pursuant to good clinical practice guidelines issued by the International Council for Harmonisation or pursuant to human subject protection requirements of the U.S. Food and Drug Administration. The comment's proposed change to exclude all health information related to research activities is overly broad	W188-5	01576

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		such that businesses could use this language in a manner that would not further the purpose and intent of the CCPA. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.		
898.	Clarify how the exemption in Civ. Code § 1798.145(c)(1) applies regarding a "business associate's" responsibility to a "covered entity," as those terms are defined by HIPAA.	No change has been made in response to this comment. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. The comment raises specific legal questions and seeks legal advice that requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W59-1	00314
899.	Regulations should specifically mention and incorporate the CCPA's exemptions for Health Insurance Portability and Accountability Act (HIPAA) and the Confidentiality of Medical Information Act (CMIA).	No change has been made in response to this comment. The CCPA contains several exemptions to its requirements. The OAG does not believe it is necessary or helpful to restate those exemptions, including the exemptions for HIPAA-protected information and CMIA-covered providers, in the regulations.	W69-24 W123-13	00454 00958
900.	The regulations should make clear that the CCPA does not prevent businesses from detecting and preventing security incidents, or protecting against malicious or illegal activity. Comments propose that the regulations expressly permit businesses to take the steps necessary to protect the security and integrity of their systems and network. Comments also propose allowing businesses to detect, prevent, investigate, or respond to malicious, deceptive, fraudulent, or illegal actions; and to protect people from harm, harassment, or other malicious conduct. Comments claim that the Civ. Code § 1798.145 appears to exempt these activities but that the regulations could be read to be in tension with this understanding. Comments also propose	No change has been made in response to this comment. Under the CCPA, businesses and service providers are not required to comply with a consumer's request to delete personal information if that personal information must be maintained for business purposes, which is defined to include detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity. (Civ. Code §§ 1798.105(d)(2); 1798.140(d)(2.) The CCPA does not restrict a business's ability to comply with federal, state, or local laws; cooperate with law enforcement agencies concerning activity a business, service provider, or third party reasonably and in good faith believes may violate federal, state, or local laws; or exercise or defend legal claims. The regulations are consistent with the CCPA, and the CCPA controls in the event of any conflict. Further, in drafting these regulations, the OAG has considered the risk of disclosing personal information to	W18-1 W18-2 W192-3 W204-2	00038-00039 00039 01610, 01613-01614 01674-01676

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	limiting the CCPA to ensure that bad actors do not use its provisions to further their fraud or misconduct.	unauthorized persons. Businesses cannot disclose specific pieces of personal information if they cannot verify the identity of requestor and must use reasonable security measures when transmitting personal information to a consumer. §§ 999.313(c)(1)), 999.313(c)(6). They must also establish, document, and comply with a reasonable method for verification, and implement reasonable security measures to detect fraudulent identity-verification activity and prevent the unauthorized access to or deletion of a consumer's personal information. §§ 999.323(a), 999.323(e).		
901.	Establish exemptions from the CCPA for the protection of intellectual property rights or other information that, if disclosed, would impinge on others' rights. Comments propose that the regulations expressly permit businesses to detect and prevent IP infringement, and to protect trade secrets and intellectual property rights. Comments propose clarifying that intellectual property owners can legally compel the disclosure of domain registrant contact information if there is a legitimate interest based on a registrant's violation of IP laws, and that such registrants cannot evade detection by requesting deletion of their personal information. Comments also propose adding guidance and establishing exemptions that recognize businesses' intellectual property rights or that are necessary to comply with IP law.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the regulations. Civil Code § 1798.185(a)(3) provides the Attorney General with authority to "[e]stablish[] any exceptions necessary to comply with state or federal law, including, but not limited to, those relating to trade secrets and intellectual property rights[.]" However, the comments fail to show how an exemption for protection of intellectual property rights is necessary. Specifically, the comments fail to explain how a consumer's personal information collected by the business could be subject to the business's copyright, trademark, or patent rights, or how a business could possibly patent, trademark or copyright a consumer's personal information. Even if a consumer's personal information were subject to such rights held by the business, the comment does not explain how disclosure of the consumer's personal information to the consumer could conflict with or negatively affect the business's rights under federal or state copyright, patent or trademark law. The comments further fail to demonstrate that personal information collected by the business is a trade secret pursuant to Civil Code, § 3426.1, which requires, among other things, a showing that the information asserted to be a "trade secret"	W18-1 W20-1 W42-26 W68-4 W70-16 W103-5 W115-7 W155-23 W188-4 W192-3 W204-2	00038-00039 00050-00055 00186 00420-00421 00506 00778 00875 01209, 01224 01572 01610, 01613-01614 01674-01676

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		"[d]erives independent economic value … from not being generally known to the public" and "[i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy." Any potential competitive harm is speculative, and in any case, the potential for harm is further mitigated because all similarly situated competitors in California will be bound by the same disclosure requirements. Even if the consumer's personal information collected by the business, in certain fact-specific situations not addressed in the comments, could constitute a trade secret, neither federal nor state law provides absolute protection for trade secrets. *See, e.g., Federal Open Market Committee of Federal Reserve System v. Merrill*, 443 U.S. 340, 362 (1979); *Davis v. Leal*, 43 F.Supp.2d 1102, 1110 (E.D. Cal. 1999); *Raymond Handling Concepts Corp. v. Superior Court*, 39 Cal.App.4th 584, 590 (Cal. Ct. App. 1995). Instead, the interests in favor of protecting trade secrets must be weighed against the need for disclosure. *Id.* The comment has not suggested an alternative that would give greater protection to potential trade secrets while still providing consumers with the access to their personal information as provided by the CCPA's right to know. The OAG has determined that a blanket exemption from disclosure for any information a business deems could be a trade secret or another form of intellectual property would be overbroad and defeat the Legislature's purpose of providing consumers with the right to know information businesses collect from them. Further, with regard to compelling the disclosure of domain registrant contact information, modifying the regulations to account for this specific situation would add complexity to the rules without providing identifiable benefits. It is also unnecessary to include in the regulations because there are other legal means to obtain this information.		

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902.	Businesses should only be allowed to use personal information to provide the service consumers signed up for, not to sell it or use it for targeted advertising.	No change has been made in response to this comment. Consumers may direct a business that sells personal information about the consumer to third parties not to sell the consumer's personal information. Civ. Code § 1798.120.	W109-2 OFres3-2	00821 Fres 18:16-18:17
- **Franchisor / Franchisee**				
903.	Comment asks legal questions related to franchisor/franchisee compliance with CCPA. Comment specifically asks 1) whether CCPA applies to franchisee if the franchisee is contractually compelled to collect data on behalf of franchisor, and 2) how is a franchisor to calculate its annual gross revenues to determine whether it meets the $25M threshold to be considered a business under Civ. Code § 1798.140(c)(1)(A) (*i.e.*, include revenue from all locations, affiliate ones, or just CA ones).	No change has been made in response to this comment. The comment raises specific legal questions and seeks legal advice regarding the CCPA that requires a fact-specific determination. With regard to the revenue question, the OAG notes, however, that Civ. Code § 1798.140(c)(1)(A) does not limit the revenue threshold to revenue generated in California or from California residents. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance. To the extent that the comment seeks guidance specific to the franchisor/franchisee relationship and the statutory definition of "business" in the CCPA, the OAG has determined that further analysis is needed before proposing a regulation on this topic.	W4-1 W110-1 W110-2 W110-3	000009 00824 00824 00824
904.	Regulations should state that franchisor does not have power to exercise controlling influence over franchisee, which would mean the franchisee does not need to comply with the CCPA.	No change has been made in response to this comment. Modifying the regulation to account for a specific situation of whether the franchisee has the ability to comply with the law would add complexity to the rules without providing identifiable benefits.	W110-4	00824
- **Gramm-Leach-Bliley Act (GLBA)**				
905.	Asks whether GLBA exemption in Civ. Code § 1798.145(e) applies to 1) service providers that must comply with the GLBA, 2) financial institutions under the GLBA, and 3) personal information that is solely collected pursuant to the GLBA.	No change has been made in response to this comment. The OAG notes that the CCPA exemption in Civ. Code § 1798.145(e) covers personal information collected, processed, sold, or disclosed pursuant to the GLBA or the CFIPA. The exemption does not extend to entities subject to the GLBA, but is a fact-specific question dependent on whether those entities are processing covered personal information. The commenters	W45-21 W123-11 W131-1 W167-5	00204 00958 01015 01390-1391

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		should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
906.	Clarify how business may comply with CCPA if 1) it collects the same piece of personal information from multiple sources, some of which are exempted from CCPA and some of which are not, and 2) the business collects personal information that may be subject to CCPA given that the CCPA's definition of personal information is broader than the GLBA or CFIPA.	No change has been made in response to this comment. The comment raises specific legal questions and seeks legal advice regarding the CCPA that may require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance. The OAG notes that the CCPA exemption in Civ. Code § 1798.145(e) covers personal information collected, processed, sold, or disclosed pursuant to the GLBA or the CFIPA. The exemption does not extend to sources subject to the GLBA, but is a fact-specific question dependent on the covered personal information.	W22-3 W28-2 W111-1 W136-3 W167-5 OSac10-1 OLA3-1 OLA9-2 OLA10-2 OSF12-3 OSF14-3 OFres1-3	00059-00060 00100 00825 01051 01390-01391 Sac 44:8-44:24; 46:13-46:15 LA 12:7-13:9 LA 29:19-31:6 LA 33:13-34:12 SF 51:7-52:4 SF 58:11-59:23 Fres 11:14-12:10
907.	Alter Civ. Code § 1798.145(e)'s exception for personal information collected, processed, sold, or disclosed pursuant to the GLBA or CFIPA. Comments propose several modifications such as exempting: 1) any information about any consumer necessary to effect, enforce, facilitate, or administer a financial transaction, 2) information collected by creditors in connection with collection of unpaid loans, 3) all financial institutions that don't share nonpublic personal information, 4) all already comprehensively regulated businesses such as financial institutions, 5) credit unions if they already comply with the GLBA, and 6) any information that is also exempted from complying with the GLBA.	No change has been made in response to this comment. The comment proposes a change to the CCPA, not the proposed regulation. The OAG cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W24-2 W79-1 W111-2 W117-2 W167-6 W186-16 OLA10-3	00065 00562 000825 00915-00916 01391-01392 01552 LA 34:13-35:10

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908.	Comment advocates for a federal privacy law that builds on existing GLBA requirements and preempts state privacy laws including the CCPA.	No change has been made in response to this comment. . The comment is not directed at the proposed regulation or the rulemaking procedures followed.	W167-1 W167-2	01388-01389 01389
909.	Regulations should allow businesses that already have an opt-out requirement under GLBA to use the same opt-out mechanisms for CCPA opt-out requirement.	No change has been made in response to this comment. The regulation is meant to apply to a wide-range of factual situations and across industries. The OAG does not believe it will add additional clarity to provide more direction and it would be too limiting.	W167-9	01394
- Interpretation of CCPA				
910.	Confirm that Civ. Code §§ 1798.105(d)(1) and 1798.145(g)(1) apply broadly. Comments request confirmation that these provisions apply to boats, outdoor power equipment, motorcycles, ATVs, and ROVs.	No change has been made in response to this comment. The proposed clarification to the CCPA is unnecessary because Civ. Code §§ 1798.105(d)(1) and 1798.145(g)(1) are reasonably clear. Civ. Code § 1798.145(g)(1) applies to specified information shared between a new motor vehicle dealer and the vehicle's manufacturer, as those terms are defined in the Vehicle Code. The Vehicle Code also broadly defines the term "vehicle." Veh. Code § 670.	W81-1 W172-1 W180-1	00577-00578 01426 01508
- Litigation / Legal				
911.	Clarify that consumers cannot make access or deletion requests in lieu of discovery in litigation.	No change has been made in response to this comment. Civ. Code § 1798.145(a)(4) states that the obligations imposed by the CCPA shall not restrict a business's ability to exercise or defend legal claims. Civ. Code § 1798.145(b) states that the obligations imposed by §§ 1798.110 to 1798.135 shall not apply where compliance would violate an evidentiary privilege under California. There is no exception allowing businesses to refuse to respond to a verifiable request by a consumer for that consumer's personal information while litigation is pending or allowing the business to deny a consumer request on the basis that the business suspects the request was made in lieu of discovery. Preventing consumers from accessing personal information that they would otherwise be entitled to under the CCPA is inconsistent with the language, structure, and intent of	W65-12	00405

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		the CCPA, which creates new privacy rights for consumers and corresponding obligations on businesses subject to it, with limited, specified exceptions to those rights.		
912.	Clarify the scope of "exercise or defend legal claims" and the phrase "shall not restrict" in Civ. Code § 1798.145(a), and how transactional legal services fall within that scope. Does "shall not restrict" mean that a business does not need to comply with § 1798.105 when it is reasonably anticipated that personal information that a consumer requests be deleted may be necessary for the purposes in §1798.145(a)? Or does it mean that a business must still comply with some parts of the CCPA that are not affected by its efforts toward those purposes?	No change has been made in response to this comment. The proposed clarification to the CCPA is unnecessary because the CCPA is reasonably clear. Businesses shall comply with the obligations imposed by the CCPA except to the extent necessary for the purposes enumerated in Civ. Code § 1798.145(a); businesses must still comply with obligations imposed by the CCPA that do not restrict their ability to carry out those purposes. Sections 999.313(c)(5) and 999.313(d)(6)-(7) also provide guidance where a business denies a request to know or request to delete because of an exception to the CCPA. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W198-5 OSF4-2 OSF4-3	01639-01640 SF 21:17-22:24 SF 22:25-23:7
913.	If a service provider deletes personal information in response to a consumer's request, and the consumer subsequently brings action alleging federal regulatory violations that the service provider no longer has evidence to defend because it was deleted, is there anything in the CCPA that protects the service provider?	No change has been made in response to this comment. Whether or not a service provider can deny a request to delete based on an exception set forth in Civil Code §§ 1798.105(d) or 1798.145 is a fact-specific determination. The OAG does not believe it is necessary to provide a regulation regarding the particular situation raised. The regulations are meant to apply to a wide-range of factual situations. To the extent that the commenter seeks additional clarity, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W123-10	00958
- **Lookback**				
914.	Provide clarification that any enforcement action will be based only on conduct or omissions occurring on or after July 1, 2020 and not on conduct or omissions occurring between the CCPA effective date (January 1, 2020) and June	No change has been made in response to this comment. The CCPA states that "on or before July 1, 2020, the Attorney General shall solicit broad public participation and adopt regulations to further the purposes of this title." Civ. Code § 1798.185(a). The CCPA provides further that the Attorney General shall not bring	W33-2 W50-6 W57-1 W61-2 W65-1	00120 00231-00232 00301-00302 00345 00400-00401

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	30, 2020, inclusive. (1) Under the plain language of the CCPA, it is ambiguous whether the Attorney General is prohibited from bringing an enforcement action for conduct that occurs prior to July 1, 2020. (2) The regulations address all the major aspects of the CCPA. Without having final regulations in place to govern compliance, businesses lack clarity that the solutions they are readying for January 1, 2020, will meet regulatory requirements. The regulations pose substantial operational obligations that exceed, or conflict with what the CCPA requires with no appreciable consumer benefit. In addition, California should follow the approach taken by federal agencies in order to provide adequate time to institutions to effectively implement regulatory expectations.	an enforcement action under the CCPA until six months after the publication of the final regulations issued thereunder or July 1, 2020, whichever is sooner. Civ. Code § 1798.185(c). These sections set forth the provisions regarding the timeline for adoption of regulations and the commencement of enforcement actions under the CCPA and are reasonably clear. This comment objects to the enforcement discretion granted to OAG under the underlying statute rather than to any specific regulation, or the regulation process. How the OAG exercises its enforcement discretion under the CCPA is beyond the scope of these regulations.	W68-10 W103-29 W129-1 W130-1	00423 00784 01006 01013
915.	The Attorney General should not bring enforcement actions based on conduct occurring before the effective date of the CCPA, as long as businesses make reasonable efforts to give consumers an understanding of their practices. Since the CCPA's definitions, particularly those of "sale" and "personal information" differ significantly from definitions in other statutes, some businesses may have difficulty ascertaining the precise set of data points they collected or transfers they engaged in that would fit these definitions.	No change has been made in response to this comment. The Attorney General cannot bring enforcement actions based on conduct occurring before the effective date of the CCPA.	W65-10	00404
916.	Clarify that the 12-month lookback period provided for in § 1798.130 applies from the effective date of the CCPA, which is January 1, 2020. This change would preclude its application to activities occurring prior to that effective date.	No change has been made in response to this comment. The comment's proposed change is not consistent with the CCPA. Civ. Code § 1798.198(a) states that the CCPA is operative on January 1, 2020. Civ. Code § 1798.130 also states that the	W68-8 W70-15	00422-00423 00505

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		disclosure of information includes information in the preceding 12 months.		
-	**Model Notices and Language**			
917.	Provide models, sample language, or templates. Comments request model forms, disclosures, privacy policies, notice of violation, reporting metrics, and employee training programs. Comments also propose establishing a safe harbor for businesses using model forms and notices. Comments reason that sample disclosures, templates (e.g. model notices), suggested language, decision tools, and checklists are necessary to: (1) promote consumer understanding with the requirements and protections of the CCPA; (2) ensure clear and consistent notices; and (3) assist businesses, particularly smaller businesses, in achieving compliance. Model notices are also provided by federal regulations.	No change has been made in response to this comment. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether to provide models, sample language, and/or templates in the future.	W22-2 W29-3 W70-14 W90-5 W101-24 W103-24 W118-5 W136-4 W178-4 W178-13 W185-3 OFres1-2 OSF12-2 OSF14-2 OSac1-1 OSac4-1 OSac10-2 OLA1-2 OLA2-2 OLA24-1	00059 00103-00105 00505 00650 00746 00782 00925 01052 01497 01502 01544 Fres 10:15-11:13 SF 50:9-51:6 SF 57:20-58:10 Sac 8:5-10:13 Sac 18:19-20:13 Sac 44:25-45:24 LA 10:5-10:19 LA 11:18-12:4 LA 77:12-77:17
918.	The regulations balance competing concerns regarding consumer disclosure and security risks in providing information.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W61-1	00344
919.	It is not clear that mandating transparency and fairness will lead to better-informed consumers. First, if a company is not behaving lawfully, it is unclear that a regulation will stop such behavior. Second, fairness is a subjective term open to interpretation and abuse. Third, mandatory	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulations. The CCPA requires businesses to disclose specified information and authorizes the Attorney General to establish rules, procedures, and exceptions necessary to ensure that the notices and information that businesses are required to provide are provided	W157-10	01275-01276

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	disclosures are often counter-productive because they lead to an over-abundance of information.	in a manner makes it easily accessible and understandable to consumers. Absent a specific comment regarding the regulations, the OAG cannot provide a more specific response.		
-	**Private Right of Action**			
920.	Include a private right of action in the regulations. Comments claim that the Legislature should expand the CCPA's private right of action to include all violation of the CCPA and that the regulations should include a right of action.	No change has been made in response to this comment. Civ. Code § 1798.150 sets forth the provisions regarding civil actions brought by consumers, and the OAG cannot implement regulations that alter or amend a statute. The comment that the Legislature should expand the CCPA's private right of action is not directed at the proposed regulations or the rulemaking procedures followed. Furthermore, the Legislature declined to pass SB 561, which would have significantly expanded the private right of action.	W17-1 W80-8	00036-00037 00573
921.	Clarify that private parties cannot enforce the CCPA through the Unruh Act or Private Attorney General Action doctrine to ensure that plaintiffs' attorneys will not seek to circumvent Civ. Code § 1798.155(b), undermine the civil penalties stated within the CCPA, or usurp the Attorney General's authority. Clarification will assure businesses that the CCPA will not lead to a landslide of ill-intentioned civil lawsuits seeking to punish businesses for technical violations.	No change has been made in response to this comment. Civ. Code §§ 1798.150 and 1798.155 set forth the provisions regarding civil actions and are reasonably clear. The OAG has determined that no further clarification is needed at this time.	W41-5 OLA13-5	00178 LA 48:12-49:2
922.	Does Civ. Code § 1798.150(c) mean that there is never a private right of action under another law if there is a violation under the CCPA?	No change has been made in response to this comment. The comment raises specific legal questions and seeks legal advice regarding the CCPA and is therefore irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W123-9	00957
923.	The private right of action will lead to phony complaints that will hurt small businesses, and	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. Civ.	W43-7 W83-7	00190 00586

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	the statutory damages that will arise from even a small data breach will be staggering.	Code § 1798.150 sets forth the provisions regarding civil actions brought by consumers.	W179-11	01505
-	**Reasonable Security Procedures and Practices and Right to Cure**			
924.	Provide more explicit guidance as to what constitutes "reasonable security measures," adopt a set of standards that is available, or confirm that using security measures that the business uses in standard operating procedures, such as email encryption and Secure Message Delivery, will meet this provision and constitute reasonable security procedures and practices under the CCPA. Lack of guidance could lead to confusion and unnecessary litigation.	No change has been made in response to this comment. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. Given the wide-range of factual situations and different industries, as well as the need for allowing for technological advancements, the OAG also believes it would be too limiting to prescribe reasonable security measures. Also, whether a business uses reasonable security measures when transmitting personal information to the consumer is a fact-specific determination.	W10-1 W46-1 W54-17 W57-17 W78-8 W90-6 W98-14 W115-44 W141-9 W154-1 W156-12 W170-5 W186-39 W186-40 W202-13 W203-17 OLA4-1 OLA5-3 OLA7-1 OLA28-2 OSF21-5	00023-00025 00211-00213 00269 00307 00555 00650 00723-00724 00889 01083 01203 01232 01420 01560 01560 01663-01666 01669 LA 15:1-16:19 LA 20:12-21:8 LA 26:2-26:6 LA 87:6-87:24 SF 75:10-75:12
925.	Clarify that a business's implementation of reasonable security procedures and practices constitutes a cure or safe harbor. Comments proposed that implementation following a data breach or within 30 days of receiving written notice of an alleged violation, or receiving an independent auditor's certification of the business's compliance with reasonable security procedures and practices, constitutes a cure.	No change has been made in response to this comment. The OAG does not believe that the proposed clarification is necessary to effectuate the purpose of the CCPA and believes that it would be too limiting. Compliance with the CCPA and the regulations is a fact-specific determination. The regulations are meant to be robust and apply to a wide range of factual situations and across industries, and what may constitute a cure may depend on the specific circumstances at issue.	W50-1 W98-14 W186-40 W202-13	00227-00228 00723-00724 01560 01663-01664

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	Comments claim that this reflects the plain text of the CCPA and the clear intent of the drafters, incentivizes businesses to take proactive measures to implement best practices for security, provides certainty about compliance obligations for businesses and consumers, and protects businesses operating in good faith from abusive litigation and substantial unnecessary costs.			
926.	Clarify the right to cure and what is necessary to cure an alleged violation.	No change has been made in response to this comment. The regulations are meant to be robust and apply to a wide range of factual situations and across industries, and what may constitute a cure will depend on the specific circumstances at issue. The OAG does not believe that it will add additional clarity to state what is necessary to cure an alleged violation and believes that it would be too limiting to do so.	W68-7 W98-14 W101-23 W103-25 OSac3-5	00422 00723-00724 00746 00783 Sac 15:20-16:11
927.	The right to cure should be a real and meaningful right to prospectively cure an alleged violation. A business's good-faith belief that it is in compliance should be a complete defense if it commits to cure upon being instructed by the Attorney General that its position is mistaken.	No change has been made in response to this comment. Compliance with the CCPA and the regulations is a fact-specific determination, and a commitment to cure may be insufficient.	W206-2	01693
928.	The Attorney General should look for ways to work with businesses to make it easy for them to comply with the CCPA so that they are not punished for good-faith mistakes.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to modify these regulations. Civ. Code § 1798.150 and Civ. Code § 1798.155 set forth the provisions regarding civil actions and noncompliance.	W141-6	01083
929.	Provide guidance as to how a business may mitigate against a violation.	No change has been made in response to this comment. The regulations are meant to be robust and apply to a wide range of factual situations and across industries, and the question of mitigation may depend on the specific circumstances at issue. The OAG does not believe that it will add additional clarity to	W103-25	00783

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		provide guidance on this matter and believes that it would be too limiting to do so.		
930.	Provide guidance for businesses in the event of an inadvertent or erroneous sale of personal information. Establish that a business that takes reasonable measures not to sell personal information and promptly acts to correct any identified or reported inadvertent sales willl not be treated as having "sold" personal information.	No change has been made in response to this comment. With respect to the request for guidance, the regulation is meant to apply to a wide range of factual situations and across multiple industries. The OAG does not believe it will add clarity to provide guidance regarding inadvertent or erroneous sales of personal information, and believes that it would create ambiguity. With respect to the proposed safe harbor, Civ. Code § 1798.140(t) defines the terms "sell," "selling," "sale," and "sold," and § 1798.155 sets forth the provisions regarding noncompliance. The proposed safe harbor does not fall within any enumerated exception provided for by the CCPA. Compliance with the CCPA and the regulations is a fact-specific determination. The OAG has not addressed immunity for inadvertent or erroneous sales at this time in an effort to prioritize drafting regulations that operationalize and assist in the immediate implementation of the law. In addition, the OAG may exercise prosecutorial discretion if warranted, depending on the particular facts at issue.	W156-11	01232
931.	Comment recommends including regulations regarding enforcement that include: 1) clarification of the 30-day notice requirement, 2) how consumers are to file complaints, 3) a requirement that businesses include information about the complaint process in their privacy policies, 4) a requirement that all notices that a violation has been cured by the business be sent to the Attorney General, 5) what enforcement will look like for small businesses that unknowingly violate CCPA, and 6) how the CCPA will be regulated by the Attorney General and the resources behind it.	No change has been made in response to this comment. Civ. Code §§ 1798.150 and 1798.155 set forth the provisions regarding civil actions, noncompliance, and civil penalties, and apply to a wide range of factual situations. Consumers may submit complaints about businesses directly to the OAG. The comment's additional proposals for the regulations are not more effective and less burdensome. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on the comment's remaining suggestions	W178-12 OLA16-2 OLA16-3 OSF18-1	01501-01502 LA 55:23-56:7 LA 56:8-56:17 SF 68:14-68:24

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- **Standardized Regulatory Impact Assessment (SRIA)**				
932.	The SRIA makes a foundational incorrect assumption in estimating how many businesses must comply with the law. One reason for this foundational error is because the SRIA erroneously omits wording from the key definition of "covered business" by substituting "share" for "shares for commercial purposes." A business would only fall within CCPA's scope if it were collecting personal information *and* subsequently sharing or selling it for a commercial purpose. The definition of "business" does not apply when a business collects personal information for a single, one-time transaction, if such information is not sold or retained by the business or used to reidentify or otherwise link information that is not maintained in a manner that would be considered personal information. Thus, showing an ad for a one-time transaction without retention of personal information as part of that advertising, then, would not trigger a business's obligations under CCPA.	No change has been made in response to this comment. The CCPA applies to any business that "alone, or in combination, annually buys, receives for the business's commercial purposes, sells, or shares for commercial purposes" the personal information of 50,000 or more consumers, households, or devices. This may include businesses that are currently selling personal information, but also includes those who may do so in the future because they received it for commercial purposes. Even including the additional text to reflect that a business must collect personal information with the intention of sharing would not fundamentally change the estimates. As the SRIA notes, we assume that either 50% or 75% of all CA business that earn less than $25 million will be covered. However, these estimates represent the best reasonable assumption based on industry survey data. Even if existing surveys are imperfect, no better data existed at the time the SRIA was drafted to inform the SRIA's estimates. To assess the scope of regulatory impact responsibly, the SRIA relies on a broad scope of covered businesses – defined in Civil Code 1798.140(c) as "alone, or in combination, annually buys, *receives for the business's commercial purposes*, sells, or shares for commercial purposes" the personal information of 50,000 or more consumers, households, or devices. (Emphasis added.) This may include businesses that are currently sharing personal information for commercial purposes, but also contemplates that there are businesses that may do so in the future because they *received* it for commercial purposes.	W19-1	00041-00043, 00046
933.	The SRIA erroneously estimates that either 50% or 75% of all California businesses that earn less than $25 million in revenue will have to comply with the CCPA based on one survey by the	No change has been made in response to this comment. Because of their ex-ante nature, SRIA assessments must often rely on reasonable assumptions in place of detailed data. Comments received thus far do not provide new information or data. No precise number of companies that will be affected by	W19-2	00043-00044

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	International Association of Privacy Professionals (IAPP).	CCPA has been publicly released, and the SRIA has adequately disclosed that it relies on *estimates* to inform the regulations' impacts. Even if existing surveys are imperfect, no better data existed at the time the SRIA was drafted to inform the SRIA's estimates. Further, the OAG believes that the 50% to 75% is conservative based on the information that exists. The 75% estimate is based on the 79% sample from the IAPP survey that is conservatively adjusted. The SRIA also models a lower-bound estimate of 50% to reflect the IAPP's selection of companies that are more likely to be regulated by CCPA (as well as the underrepresentation of small companies). A smaller percentage could have been chosen as well, but as the range grows larger the usefulness of the forecast becomes minimized. If 79% of companies believe that the CCPA will apply to them, the range between 50% - 75% is conservative.		
934.	The SRIA includes an absurdly high estimate of how many small California businesses—between 383,000 and 570,000 small businesses—will have to comply with the CCPA.	No change has been made in response to this comment. The SRIA relied on a conservative, upper bound scenario in which nearly 62% of businesses with less than five employees could have to comply with the CCPA. The CCPA applies not only to businesses that are actively selling or sharing personal information, but also to businesses that receive personal information for a commercial purpose. The CCPA is not only about compliance but also about deterrence, or data minimization, and therefore businesses that could eventually monetize personal information are covered as well. The purposes of the SRIA are to forecast costs for all business entities that the law could reach, and therefore these large estimates are justified.	W19-3	00044, 00046
935.	The SRIA estimates that the total cost of initial compliance with the CCPA is approximately $55 billion. This estimate is not supported by any table, backup material, or additional data. It is	No change has been made in response to this comment. The $55 billion estimate is a back-of-the-envelope calculation based on a single firm-level survey of projected CCPA compliance costs. The assumptions used for this estimate are based on the survey and	W19-4 W97-12 W101-27 W157-1	00045-00046 00716-00718 00746 01236

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	also based on data that does not include any information from businesses with fewer than 500 employees, which compose approximately 99.8% of the businesses in California. This estimate is too low and should take into account more costs such as attorney fees for understanding the CCPA and its regulations or restrictions on service providers.	are outlined in the SRIA. As noted in the SRIA (footnote 2), the TrustArc survey only sampled large firms (>500 employees) and reported compliance costs may be higher for these firms than small firms subject to CCPA. Therefore, as noted in the SRIA, the $55 billion estimate could plausibly be an overestimate of the CCPA compliance costs. Furthermore, the $55 billion estimate assumes that 75% of all California businesses are subject to the CCPA. This estimate was chosen as an extreme upper bound on the plausible number of affected firms and could very well overestimate the true number of affected firms. As noted in the SRIA, the $55 billion compliance estimate is not a critical estimate for determining the impact of the regulation, but is meant to put the regulatory costs into perspective of overall CCPA compliance costs.	W161-16	01306
936.	The SRIA erroneously states the total number of firms with over 500 employees in California and the date of the data on which it relies. As a result, the SRIA overstates the total cost of compliance.	No change has been made in response to this comment. Upon further review, there may be a discrepancy between the total number of firms with over 500 employees and the aggregated total by NAICS sector in the Survey of U.S. Businesses. The dataset provides estimates of the total number of firms with over 500 employees by two-digit NAICS sector in California. When totaling these estimates, the "total" number of firms in California with greater than 500 employees is 9,858. This is the estimate used in the SRIA. However, the same dataset has a separate entry for the total number of firms with over 500 employees (not disaggregated by two-digit NAICS). This estimate, which the comment refers to, is 6,191 firms. To the extent that the true number of businesses in California that have over 500 employees is below the number we reference, major costs are not ascribed to this category. These businesses are only used to estimate two compliance cost categories: training requirements and record-keeping requirements. The costs attributed to these categories are estimated at approximately $16 million, which is a fraction of	W19-5	00045-00046

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		overall costs. Given the significant uncertainty with CCPA compliance, this error does not fundamentally change any of the findings in the SRIA. The comment is also correct in noting the incorrect year cited, which was a typo. The correct date should be 2016 data.		
937.	The comment suggests that the SRIA be revised to consider additional data in the IAPP survey. Specifically, as of early 2019, 65% of surveyed firms self-rated as being either medium-prepared or highly-prepared for CCPA compliance, and thus, should be factored into the $55 billion cost estimate. Other data indicates that businesses may be about 40% complete with the work necessary for CCPA compliance, which also could reduce the amount to be spent toward the $55 billion cost estimate. The SRIA should also address whether amounts already expended on GDPR compliance has reduced the $55 billion CCPA compliance figure.	No change has been made in response to this comment. The $55 billion estimate is an aggregate, approximate estimate of the total cost of initial compliance with the CCPA. Whether an individual business is prepared or not for CCPA ahead of implementation schedule was not factored into this calculation and would not affect the total compliance estimate. The TrustArc survey that was used as the basis for this calculation in the SRIA showed that GDPR compliance reduced the cost of CCPA compliance. However, the estimate in the SRIA was based on a survey question asking only about CCPA-related compliance costs. We assume that survey respondents excluded overlapping GDPR costs when providing this estimate.	W19-6	00046
938.	The SRIA fails accurately to account for the significant costs of proposed regulations that exceed the scope of the CCPA and the cost of multiple changes to requirements. Specifically, the comment objects to the $16 billion that the SRIA estimates will be incurred as a result of complying with the new regulations. The comment criticizes the SRIA's conclusion that the proposed regulations relating to customer notice will result in no new costs to business, especially because the regulations require duplicate notice and more detail than what is required in the CCPA. The comment summarizes additional costs not contemplated in the CCPA. The	No change has been made in response to these comments. The OAG disagrees with the comments' assertion that the notices and the regulations regarding user-enabled privacy settings are outside the scope of the CCPA. See responses #105, 106, 581, 582 and 585. Even so, these requirements would not add significant costs. Given that firms will already need to provide notice, the operational accounting and reporting systems required to provide notice will be created regardless of the regulations. Thus, the OAG does not agree that providing duplicate notice will incur significant additional costs. With respect to the additional details the regulations now require in the notice, these costs are already reflected in the SRIA analysis. A small fraction (estimated at 10%) of overall operational and technology costs	W97-12 W162-3	00716-00717 01317-01319

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	comment also refutes the SRIA's conclusion that these costs are one-time, especially if businesses have already created procedures that now need revision. The SRIA also does not anticipate additional costs that will be incurred as a result of the new ballot initiative.	are attributable to the regulations, which in effect would capture the regulatory "delta" in notice requirements between the CCPA and the regulations. The comment's point about operational costs having a one-time cost is valid, but need not be addressed further as a revision to the SRIA. Even if the regulations change slightly, the overall bulk of compliance and regulatory costs would be achieved. The majority of the costs due to the regulations are upfront as opposed to on-going and will occur as firms become compliant. Even with regulatory rule changes, this fact will not change. The SRIA's policy assessment mechanism was mandated to address state agency regulations, not electoral initiatives. The SRIA is appropriate for assessing the economic impact of actual state regulations, and is required by existing law. The OAG agrees with the comment that uncertainty in the regulation will affect costs, but uncertainty is always present in making new policy. Since SRIAs are mandated before policy implementation, this must be done with incomplete information. The SRIA's estimates were based on the current set of regulations and the best data available at the time of its publication. If the regulations are amended, or a new ballot initiative passes, and the regulatory impact exceeds $50 million, a new SRIA would be required.		
939.	The SRIA's bottom-line cost figures are staggering: $55 billion in upfront costs and $16.5 billion in additional costs over the next decade. The actual costs are even higher than the SRIA estimates and the benefits fall far short of making up for those costs. None of the SRIA's estimates includes the costs incurred by the hundreds of thousands of companies outside of California to which the regulations apply.	No change has been made in response to this comment. The $55 billion estimate is an aggregate, approximate estimate based on a single firm-level survey of projected CCPA compliance costs. The assumptions used for this estimate are based on the survey and are outlined in the SRIA. As noted in the SRIA (footnote 2), the TrustArc survey only sampled large firms (>500 employees) and reported compliance costs may be higher for these firms than small firms subject to CCPA. Therefore, as noted in the SRIA, the $55 billion estimate could plausibly be an overestimate of the CCPA compliance costs. Furthermore, the $55 billion	W152-1	01236

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		estimate assumes that 75% of all California businesses are subject to the CCPA. This estimate was chosen as an extreme upper bound on the plausible number of affected firms and could very well overestimate the true number of affected firms. As noted in the SRIA, the $55 billion compliance estimate is not a critical estimate for determining the impact of the regulation, but is meant to put the regulatory costs into perspective of overall CCPA compliance costs. The intent of the SRIA is to estimate the economic impact of the proposed regulations on California businesses, which has been interpreted as businesses located within the State. While many businesses located outside of the state will be subject to the regulations, there are no available estimates for how many such firms exist.		
940.	The comment provides overall criticism of the SRIA, noting that it fails to identify certain issues. For example, none of its estimates includes the costs incurred by the companies outside of California that must comply with the CCPA. It also criticizes whether the losses identified in the SRIA are as negligible as the SRIA characterizes, pointing to the losses of $4.6 billion in gross state product (GSP), 14,000 jobs, and $9.3 billion in output, investment, and income. The comment asserts that consumers place a low value on privacy, and, thus, the costs to productivity and unemployment are unacceptably high. The comment also argues that the SRIA underestimated the higher costs of advertising and lost advertising revenue. With respect to benefits, the comment disputes whether the SRIA analyzed the correct metrics in estimating the value to consumers (as opposed to the value to firms of the underlying data). Even ignoring	No change has been made in response to this comment. The SRIA assessment mechanism was mandated by California's legislature (SB 617) as regulatory due diligence, identifying economic impacts of compliance activities across the state, regardless of who engages in those activities. This has been interpreted to include incomes and employment generated from enterprise activity within the state, regardless of the legal domicile of such enterprises. For this reason, all SRIA assessments evaluate impacts of in-state business activity, but do not distinguish between firms that may have out-of-state (domestic or foreign) registration. Indeed, there is presently no reliable public data on the latter group, so for the purpose of impact assessment we assume "California business activity" refers to actions of any enterprise operating inside the state, California companies, other US companies, and foreign companies. This SRIA estimates the economic impact of the proposed regulations on any businesses operating within the State. The macroeconomic assessment is intended to place sectoral adjustments in the context of all economic activity in California.	W157-1	01236-01237 01239-01244 01272, 01276-01278

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	the problems with these estimates, the comment argues that the costs imposed by the regulations and the CCPA amount to a poor outcome for California.	The SRIA correctly states that the adjustments in question are negligible relative to the state economy, representing less than 0.1% (one tenth of one percent) of both GSP and employment. At the time of the SRIA's publication, no reliable data was available to estimate potential impacts on advertising revenue specifically, so the published assumptions were used to justify an inference of negligible impact. At the individual level of valuing consumer privacy, the SRIA assessment drew on the most up-to-date and advanced behavioral research, using observable market prices as the most appropriate measure because it most accurately reflects benefits directly available to consumers. To illustrate the efficacy of this approach, the SRIA uses a study on privacy for mobile apps to illustrate the benefits of privacy on the app market place in California. See SRIA, at p. 13. Given that the app marketplace is a fraction of total advertising, total benefits would be substantially larger using this methodology, but detailed survey data on individual willingness to pay was unavailable to apply these estimates across all sectors. The estimates used are meant to proxy the willingness to pay approach to valuation and to illustrate the potential magnitude of benefits in a subset of the market affected by the proposed regulation. They do not represent an estimate of total benefits from the proposed regulation.		
941.	The SRIA did not contemplate the cost impact on consumers from exercising their rights on businesses. It requires consumers to spend time and money to execute consumer requests to businesses that should have been contemplated in the SRIA.	No change has been made in response to this comment. Transaction costs for California consumers for exercising their CCPA rights were not calculated in the SRIA. Although there are costs to the consumer in terms of the time commitment required to exercise the consumer's CCPA rights, it is not likely that this time commitment changes significantly due to DOJ's proposed regulations. Furthermore, it is not necessarily appropriate to use the California minimum wage to monetize the value of time lost to making CCPA requests. Many, perhaps most or all, consumers	W194-1	01621

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		will not be making CCPA requests at the expense of paid work time.		
- **Suggestions**				
942.	Add data minimization requirements, such as allowing only the first-party business to use personal information collected and prohibiting data "voodoo dolls," by which businesses can reconstruct an individual's interests and predict behavior based on data gathered about that individual.	No change has been made in response to this comment. The comment is not directed at any particular proposed regulation and does not provide sufficient specificity to the OAG to make any modifications to the text.	W17-1 W80-6	00036-00037 00570
943.	Support the establishment of a data protection agency with resources, technical expertise, rulemaking authority, and effective enforcement powers.	No change has been made in response to this comment. The comment is not directed at the proposed regulations or the rulemaking procedures followed.	W80-2	00566-00567
944.	Establish a registry similar to the Do Not Call Registry for consumers to enforce their privacy rights.	No change has been made in response to this comment. The comment is not directed at any particular proposed regulation and does not provide sufficient specificity to the OAG to make any modifications to the text.	W194-2	01621-01622
945.	The Legislature should update the CCPA to place responsibilities on companies, including a presumption against disclosure, data security standards, and accountability mechanisms.	No change has been made in response to this comment. The comment is directed at the CCPA, not the proposed regulations or the rulemaking procedures followed.	W80-4	00568-00569
946.	Add positive incentives and accountability frameworks that recognize responsible companies striving to be compliant, similar to the Codes of Conduct described in the GDPR or other models.	No change has been made in response to this comment. The comment is not directed at any particular proposed regulation and does not provide sufficient specificity to the OAG to make any modifications to the text.	W90-4 OSF21-4	00649-00650 SF 74:25-75:9
947.	Obligate service providers to include a disclosure in their notices and privacy policies that they may disclose personal information to third parties if the third party has reason to believe the person at issue has violated the rights of that	No change has been made in response to this comment. The comment's proposed change is not consistent with the language, structure, and intent of the CCPA. Civil Code §§ 1798.100(b) and 1798.130(a)(5) set forth the requirements for the notice at collection of personal information and the privacy policy. The	W144-1 W144-2	01104 01104

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	third party or has engaged in other illegal or unlawful behavior. Recommends adding this disclosure obligation to §§ 999.305(b) and 999.308(b)(1)(e).	comment's proposed change to obligate service providers to include such a statement, and thus obligate the service providers to actually disclose the consumer's personal information, is beyond the scope of the CCPA because the CCPA does not provide such a right. The comment's proposed change may also lead to incidents in which compliance with CCPA is abused by third parties.		
- **Unconstitutional (violates 1st Amendment, Commerce Clause)**				
948.	The CCPA is unconstitutional because it violates the First Amendment right of companies. Comments claim 1) the ability to file an opt-out request to prevent publications that include any identifiable information is a threat to the First Amendment and anti-SLAPP laws, and 2) the CCPA violates the First Amendment by restricting dissemination of accurate, publicly available information and suppressing certain speakers.	No change has been made in response to this comment. Comment objects generally to the CCPA.	W13-4 W56-5	00029 00297-00298
949.	Disclosure requirements should balance clarity for consumers and businesses' free-speech interests in using data for internal business purposes.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change these regulations.	W186-3	01546
950.	The CCPA and the regulations violate the Commerce Clause because the CCPA has the practical effect of regulating out-of-state commerce, and the fact that personal information originated from a California resident is insufficient; only the federal government may regulate the internet; and the burdens on interstate commerce outweigh the putative local benefits.	No change has been made in response to this comment. The OAG disagrees with the comment's interpretation of the law as it applies to the CCPA and these regulations. First, the comment primarily is directed at the CCPA, not at the regulations. To the extent that the comment alleges that the regulations violates the Commerce Clause, it fails show how the regulations alone impose a burden on interstate commerce that is clearly excessive to the benefits afforded to California residents. (*Ferguson v. Friendfinders, Inc.* (2002) 94 Cal.App.4th 1255, 1269, as modified (Jan. 14, 2002) [upholding California's regulation of unsolicited email under *Pike* balancing test].) In performing the relevant balancing test, the comment fails to adequately assess the	W56-2 W56-3 W56-4	00290-00293 00293 00294-00296

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		benefits to California consumers' privacy from the regulations, summarily concluding that they are "inconsequential" without any explanation. (Cf. *Riley v. California* (2014) 573 U.S. 373 [discussing the detailed quality and pervasiveness of personal information in the smartphone age as raising special privacy concerns].) Additionally, the comment relies heavily on the SRIA's $55 billion assessment, but this figure is meant to put the regulatory costs into perspective of *overall* CCPA compliance costs for a period of years. The comment does not support with any specificity its claim that the *regulations* imposes an unconstitutional burden. Nor is the federal government the only entity that can regulate the Internet. Courts have upheld state laws that regulated conduct on the Internet that occurred within the regulated state or could be limited to the regulating state. (See, e.g., *Greater Los Angeles Agency on Deafness, Inc. v. Cable News Network, Inc.* (9th Cir. 2014) 742 F.3d 414, 432–33 [holding that California statute that required captioning of online videos for California viewers did not regulate out-of-state conduct because CNN could create a separate website specific to California users].) States generally have the authority to regulate businesses that engage in commerce with its citizens, including over the Internet. That CCPA and these regulations extend to businesses operating online does not give rise to a constitutional violation.		
951.	The CCPA and the regulations violate due process because it is impossible to tell whether a company is subject to the CCPA and "doing business" in California is undefined.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulations or the rulemaking procedures followed. The OAG disagrees with the comment's interpretation of the law or that the comment has adequately alleged a due process violation as it applies to the CCPA and these regulations. In the absence of a specific definition, the phrase "does business in the State of California" should be given meaning according to the plain language of the words and other California law.	W56-6	00298

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952.	The Attorney General should refuse to enforce the CCPA because the CCPA will irreparably harm businesses contrary to the public interest and in violation of the Commerce Clause and businesses' First Amendment rights. The Attorney General should revise the regulations to comply with statutory and constitutional limits on its authority.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation or the rulemaking procedures followed. The comment does not provide sufficient specificity to the OAG to make modifications to the regulations.	W56-7	00299
- **Unstructured Data**				
953.	It is overly burdensome to require businesses to search for personal information that is not recorded in an easily searchable format. Comments claim that businesses should not have to search unstructured data because they are not the type of marketable data targeted by the CCPA and would be burdensome to search.	Accept in part. The OAG has added subsection (3) to § 999.313(c) to balance the goals and purpose of the CCPA with the burden to businesses searching for responsive information. See FSOR, § 999.313. The comment's proposal to exclude all personal information not recorded in an easily searchable format is not as effective in carrying out the purpose and intent of the CCPA because it would allow businesses to maintain, use, or share data that they do not disclose to consumers in response to a request to know, which is contrary to the purpose and intent of the CCPA.	W31-8 W42-27	00113 00186
954.	Clarify how businesses should handle call recordings, voicemails, and other audio data. Comments asked whether call recordings are considered personal information and, if so, how businesses should handle requests for recordings.	Accept in part. The OAG has added subsection (3) to § 999.313(c) to balance the goals and purpose of the CCPA with the burden to businesses searching for responsive information. See FSOR, § 999.313. Audio data that fall within the conditions set forth in § 999.313(c), or within the exemptions enumerated by the CCPA, may be excluded from a business's response. However, as a category, audio data does not fall within any enumerated exception provided by the CCPA, and so the provisions of the CCPA and the regulations that require businesses to search for a consumer's personal information, as defined by Civ. Code § 1798.140(o), in response to the consumer's request would apply to records of audio data.	W123-8 W131-5 OSac6-5	00957 01017 Sac 28:5-28:12
955.	Personal information that is obtained and retained in paper format should not be subject to	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. The	W24-1 OLA10-1	00063 LA 32:4-33:12

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	CCPA or regulations because it is not likely to be sold or used for any other purpose. It is also not subject to data breach or other theft and burdensome on business to comply because it is not stored in retrievable format.	CCPA states that its provisions are "not limited to information collected electronically or over the Internet, but apply to the collection and sale of all personal information collected by a business from consumers." Civ. Code § 1798.175.		
- **OTHER**				
956.	Can third-party businesses that consumers do not interact with, such as credit card processors and health care data companies, use consumer data if they launder it?	No change has been made to this comment. It is unclear what is meant by the term "launder." The comment appears to raise specific legal questions and seek legal advice regarding the CCPA and is therefore irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W17-1	00036-00037
957.	Consumers should be able selectively to opt out of disclosures and request selective deletion rather than requiring an all-or-nothing approach that leaves them with fewer options and less control over the use of their data.	No change has been made in response to this comment. It appears the commenter proposes giving consumers the option of selectively deleting some but not all of their personal information. Section 999.313(d)(8) provides that businesses may present consumers "with the choice to delete select portions of their personal information" if they also offer a global option to delete all personal information and that option is more prominently presented than the other choices. As stated in the ISOR, this responds to comments raised about the benefits of providing choices to consumers regarding the deletion of their personal information. See ISOR, p. 21. As to the comment regarding selectively opting out of disclosures, the CCPA requires certain notices and a privacy policy to be given to the consumer. See Civ. Code §§ 1798.100(b), 1798.120, 1798.130, and 1798.135.	W13-5	00029
958.	Companies are flexible and can circumvent regulations. The Attorney General should share what can and cannot yet be solved under current law.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations.	W17-2	00037

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959.	Government entities should be limited in their access and use to personal information. Comments claim that government entities should be subject to the CCPA and should not use for-profit companies to gather personal information, and that their access to personal information should be limited.	No change has been made in response to this comment. The comment objects generally to the CCPA, not the proposed regulations. The CCPA limits its provisions to businesses and service providers, the definition of which do not include government entities. See Civ. Code §§ 1798.140(c) and 1798.140(v).	W39-1 W49-1 W80-9	00167 00222 00573-00574
960.	If a commercial financing company is unable to provide financing to a customer, it may, with the customer's permission, refer the customer, along with the personal information, to another financing company and receive a commission if that second company provides financing. Civ. Code § 1798.140(t)(2)(A) states that this is not considered selling if the customer uses or directs the business to intentionally disclose the personal information provided the third party does not also sell the personal information. It is unclear how the original company can verify whether the second company sells the information. This becomes even more difficult to address as often applications are forwarded multiple times.	No change has been made in response to this comment. The comment raises specific legal questions that require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulations provide general guidance for CCPA compliance.	W48-14	00222-00223
961.	Three broad categories of concerns: regulations that need clarification or modification, regulations that should be removed, and regulations that should be added.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations. This comment does not provide sufficient specificity to the OAG to make any modifications to the text. The commenter's substantive comments have been addressed separately. See responses # 61, 118, 131, 224, 239, 240, 261, 290, 311, 316, 339, 349, 376, 404, 440, 466, 493, 505, 568, 585, 624, 652, 751, 841, 901, 953, 977.	W42-2	00181
962.	Clarify what interactive engagement is permissible. The regulations will make customer	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to	W43-9 W83-9	00190 00587

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	acquisition more expensive for small businesses by limiting the availability and effectiveness of targeted advertising.	make any modifications to the text. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA, which creates new privacy rights for consumers and imposes corresponding obligations on businesses subject to it. The regulations are consistent with the language, structure, and intent of the CCPA, including the CCPA's opt-out and deletion provisions.	W179-13	01506
963.	CCPA seems to have been designed for businesses that primarily interact with consumers online and the regulations do not provide much clarification for companies that are not internet-based, so financial service companies are having a difficult time operationalizing the CCPA.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations.	W76-1	00540
964.	Supports privacy protection and encourages risk-based, flexible regulations that provide clear compliance obligations.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations.	W89-1	00639-00640
965.	Opposes the CCPA from becoming law. Concerned about identity theft. The general public does not read all documents that businesses send to them.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulations.	W146-1	01117
966.	There are already applicable laws that protect consumers' personal information. The proper method of regulating privacy is a case-by-case examination of actual privacy harms, without ex ante regulations, coupled with narrow legislation targeted at problematic uses of personal information.	No change has been made in response to this comment. The comment objects to the CCPA, not the specific regulations, and does not provide sufficient specificity to the OAG to make any modifications to the text. Civ. Code § 1798.185 states that the Attorney General shall adopt regulations to further the purposes of the CCPA. As stated in the ISOR and FSOR, the OAG has determined that the regulations are necessary to implement the CCPA and carry out its purpose and intent.	W157-8	01253-01254, 01258-01272, 01276, 01278-01282
967.	Supports a federal privacy law that protects consumers, holds all entities accountable, and recognizes existing federal privacy laws financial institutions follow. A federal privacy law should	No change has been made in response to this comment. The comment is not directed at the proposed regulations or the rulemaking procedures followed.	W167-2	01390

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	include a comprehensive national data security standard; harmonization of existing federal laws and preemption of any state privacy law; delegation of enforcement authority to the appropriate sectoral regulator; a safe harbor for businesses that take reasonable measures to comply with the privacy standards; notice and disclosure requirements that are easily accessible to consumers and do not unduly burden regulated entities; and scalable civil penalties for noncompliance imposed by the sectoral regulator.			
968.	Minimize the additional transmission of personal information, which creates new privacy and security risks. The regulations contemplate the transmission of personal information that would otherwise remain stored.	No change has been made in response to this comment. The CCPA creates new privacy rights for consumers, including the right to access personal information that a business has collected. Civ. Code §§ 1798.100, 1798.110. The regulations are necessary to implement the CCPA. In drafting the regulations, the OAG considered privacy and security risks. The regulations include requirements to safeguard consumers' personal information, including prohibiting the disclosure of specified pieces of personal information if a business cannot verify the identity of the requestor (§ 999.313(c)(1)); prohibiting the disclosure of specified personal information (§ 999.313(c)(4)); requiring businesses to use reasonable security measures when transmitting personal information to a consumer (§ 999.313(c)(6)); and requirements regarding verification that the person making a request is the consumer about whom the business has collected information (§§ 999.323 - 999.325).	W169-2	01405
969.	Privacy standards should be fair, equitable, and protective, while fostering innovation. Privacy should not be used to promote anticompetitive behavior of tech companies.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations.	W171-1 OSF17-2	01422 SF 68:6-68:13

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970.	Facebook is selling consumer's email, phone number, and personal information to companies that are targeting consumer with advertising, spam, and telemarketing phone calls even though consumer selected "No" to Facebook's request to allow advertisers use the consumer's personal information.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations. The comment is not directed at the proposed regulation or the rulemaking procedures followed.	W175-1	01468
971.	Financial institutions should not be allowed to refuse service to consumers or make them provide more proof of identity than what they ask from anyone else, when they already have these people as clients or know them from business.	No change has been made in response to this comment. The comment is not directed at the proposed regulations or the rulemaking procedures followed.	W44-1	00192
972.	Google should not be allowed to share the information it collects in knowledge panels. At the very least, consumers should be able to edit the information in their knowledge panel.	No change has been made in response to this comment. The comment is not directed at the proposed regulations or the rulemaking procedures followed.	W51-1	00233-00234
973.	Questions and concerns about the Safe at Home Program, including that Google improperly places burdens on Safe at Home members.	No change has been made in response to this comment. The comment is not directed at the proposed regulations or the rulemaking procedures followed.	W153-1 W195-1 OLA27-1 OLA27-2	01201 01623-01624 LA 84:23-85:23 LA 85:24-86:14
974.	Google and other entities use racial profiling in digital methodologies for advertising and commercial purposes.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations. The comment is not directed at the proposed regulation or the rulemaking procedures followed.	W208-1 OSF2-1	01711-01725 SF 13:21-17:3
975.	The regulations should include the content of the CCPA so that businesses can ensure that they are following all requirements without needing to consult two sources.	No change has been made in response to this comment. The comment does not provide evidence or support for the assertion that it would be burdensome for businesses to consult both the CCPA and the regulations, and it would go against APA best practices to copy the text of the CCPA into the regulations.	W185-5	01544

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976.	Clarify ambiguous language in the CCPA to ensure that efforts to increase privacy do not come at the cost of the security of consumers' personal information.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the OAG to make any modifications to the text. The regulations include requirements to safeguard consumers' personal information, including prohibiting the disclosure of specified pieces of personal information if a business cannot verify the identity of the requestor (§ 999.313(c)(1)); prohibiting the disclosure of specified personal information (§ 999.313(c)(4)); requiring businesses to use reasonable security measures when transmitting personal information to a consumer (§ 999.313(c)(6)); and requirements regarding verification that the person making a request is the consumer about whom the business has collected information (§§ 999.323 - 999.325).	W186-2	01546
977.	Provide a non-exhaustive list of situations in which a consumer request can be considered manifestly unfounded or excessive. These examples should include requests that would require the business to expend a disproportionate amount of time, effort, and cost to ascertain the requested information or to provide the information in a format that does not inadvertently reveal the personal information of another consumer. Clarify that businesses may charge a reasonable fee or refuse to act on requests for hard copies or unstructured data.	No change has been made in response to this comment. With respect to the comment's proposal regarding requests that may be considered manifestly unfounded or excessive, the OAG has not addressed this issue at this time. To meet the July 1, 2020 deadline set forth by the CCPA, the OAG has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on this issue. With respect to the comment's proposal regarding requests for hard copies, Civ. Code § 1798.130(a)(2) states that disclosure of the required information shall be delivered through the consumer's account with the business, if the consumer maintains such an account, or otherwise by mail or electronically at the consumer's option. With respect to the comment's proposal regarding unstructured data, in response to other comments, the OAG has added § 999.313(c)(3) to balance the goals and purpose of the CCPA with the burden to businesses searching for responsive information. See response #953; FSOR, § 999.313. The comment's proposal to exclude all unstructured data is not as effective in carrying out the purpose and intent of	W42-28 W186-14	00186 01552

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		the CCPA because it would allow businesses to maintain, use, or share data that they do not disclose to consumers in response to a request to know, which is contrary to the purpose and intent of the CCPA.		
978.	Commenter, a nonprofit organization, would like to copy the Attorney General when sending cease-and-desist letters to data brokers that do not have the consent of the organization's members to use their personal information.	No change has been made in response to this comment. The comment is not directed at the proposed regulations or the rulemaking procedures followed.	W201-1	01651
979.	Regulations should go further to protect consumer privacy and reduce costs to consumers that wish to exercise their rights.	No change has been made in response to this comment, which is interpreted to be an observation rather than a specific recommendation to change the regulations.	W194-1 W205-1	01621 01688
980.	There should be a repeatable, homogenized, and simplified approach to a privacy regulatory framework. Because of the lack of consideration for existing privacy regimes, the CCPA and certain requirements proposed in the regulations may cause divergent practices that will lead to consumer and company confusion.	No change has been made in response to this comment. To the extent the comment objects to the CCPA, the comment is not directed at the proposed regulation or the rulemaking procedures followed. To the extent the comment objects to the regulations, the comment does not provide sufficient specificity to the OAG to make any modifications to the text. The proposed regulations are authorized and largely mandated by the CCPA. In drafting these regulations, the OAG considered the impact on businesses and consumers and determined that these regulations are necessary to implement the CCPA.	W129-14 W130-1	01009 01013
981.	The ISOR fails to describe the purpose, rationale, and material relied upon for each aspect of the regulations and fails to account for the full burden on businesses. It does not cite to any specific comments from its pre-rulemaking activities, does not list reasonable alternatives considered, and does not articulate rationales in specific detail as required by the APA.	No change has been made in response to this comment. The comment does not provide sufficient specificity or support to the OAG to make any modifications to the text. The regulations are reasonably clear and comply with the APA. The ISOR and the FSOR describe the purpose and necessity of each provision, the information the OAG relied on when drafting the regulations, and reasonable alternatives considered by the OAG. A SRIA was prepared and approved by the Department of Finance.	W97-11	00713-00716
982.	Proposes that the Franchise Tax Board notify CEOs of their CCPA obligations. CEOs and CIOs	No change has been made in response to this comment. The comment does not provide sufficient specificity or support to the	OSF20-1 OSF20-2	SF 70:23-71:2 SF 71:3-71:8

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	should certify that companies have adequate controls to comply with CCPA. The OAG should enforce the law tightly and without delay.	OAG to make any modifications to the text. Businesses must comply with numerous laws without being individually told what their obligations under those laws are; the comment does not give a reason why the CCPA should be treated differently. With regard to enforcement, the comment concerns the OAG's prosecutorial discretion, rather than a specific recommendation to change these regulations.	OSF20-3	SF 71:9-71:16
983.	Regulations should be revised to avoid technical or legal jargon, and to be more understandable to an average person.	No change has been made in response to this comment. The regulations are reasonably clear. This comment does not provide sufficient specificity for the OAG to make any modifications to the text. In response to other comments, certain regulations have been modified to clarify what is being said.	W90-2	00648