
DEPARTMENT OF JUSTICE

Title 11. Law

Division 1. Attorney General

Chapter 20. California Consumer Privacy Act Regulations

February 10, 2020

UPDATED NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS AND ADDITION OF DOCUMENTS AND INFORMATION TO RULEMAKING FILE

[OAL File No. 2019-1001-05]

Please note that this is an updated notice to the one sent on February 7, 2020. The previously mailed notice and modified text of proposed regulations omitted a revision to Section 999.317, subsection (g). Documents reflecting the correction have been uploaded to the website. The deadline to comment has been extended to Tuesday, February 25, 2020.

Update to Proposed Text

Pursuant to the requirements of Government Code section 11346.8, subdivision (c), and section 44 of Title 1 of the California Code of Regulations, the California Department of Justice (Department) is providing notice of changes made to the proposed regulations regarding the California Consumer Privacy Act, which were published and noticed for public comment on October 11, 2019. These changes are in response to comments received regarding the proposed regulations and/or to clarify and conform the proposed regulations to existing law. The originally proposed regulations, this Notice, the text of the proposed regulations as modified, and a comparison of the text as originally proposed with the modifications, are available at www.oag.ca.gov/privacy/ccpa.

Update to Documents and Other Information Relied Upon

Pursuant to the requirements of Government Code sections 11346.8, subdivision (d), 11346.9, subdivision (a)(1), and 11347.1, the Department is also providing notice that documents and other information which the Department has relied upon in adopting the proposed regulations have been added to the rulemaking file and are available for public inspection and comment.

The documents and information added to the rulemaking file are as follows:

- Accenture Interactive, *See people, not patterns*. (2019). Available at https://www.accenture.com/_acnmedia/PDF-110/Accenture-See-People-Not-Patterns.pdf.
- Cranor, et al., *Design and Evaluation of a Usable Icon and Tagline to Signal an Opt-Out of the Sale of Personal Information as Required by CCPA* (February 4, 2020).

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- Douglass, et al., *How the CCPA impacts civil litigation* (January 28, 2020). Available at <https://iapp.org/news/a/how-the-ccpa-impacts-civil-litigation/#>.
 - Duffy, et al., *Retail Loyalty Programs Will Survive Calif. Privacy Law* (September 26, 2019), Law360. Available at <https://www.law360.com/articles/1202393/print?section=california>.
 - Paternoster, Leon, *Getting round GDPR with dark patterns. A case study: Techradar* (August 12, 2018). Available at <https://www.leonpaternoster.com/posts/techradar-gdpr/>.
 - Simon, et al., *Summary of Key Findings from California Privacy Survey* (October 16, 2019), Goodwin Simon Strategic Research. Available at <https://www.caprivacy.org/post/icymi-summary-of-key-findings-from-california-privacy-survey>.
 - World Wide Web Consortium, *Web Content Accessibility Guidelines*, version 2.1 (June 5, 2018). Available at <https://www.w3.org/TR/2018/REC-WCAG21-20180605/>.

The Department is also providing notice that it will not be including the following study in the rulemaking file.

- Javelin Strategy & Research, *2019 Identity Fraud Study: Fraudsters Seek New Targets and Victims Bear the Brunt* (March 6, 2019).

The entire rulemaking file, which includes the documents referenced above, is available for inspection and copying throughout the rulemaking process during business hours at the location listed below. In addition, some of the documents are available at www.oag.ca.gov/privacy/ccpa.

The Department will accept written comments regarding the proposed changes or materials added to the rulemaking file between Monday, February 10, 2020 and Tuesday, February 25, 2020. All written comments must be submitted to the Department no later than 5:00 p.m. on February 25, 2020 by email to PrivacyRegulations@doj.ca.gov, or by mail at the address listed below.

Lisa B. Kim, Privacy Regulations Coordinator
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300 South Spring Street, First Floor
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All timely comments received that pertain to the changes to the proposed regulations or the new materials added will be reviewed and responded to by the Department's staff as part of the compilation of the rulemaking file. Please limit written comments to those items.