
DEPARTMENT OF JUSTICE

Title 11. Law

Division 1. Attorney General

Chapter 20. California Consumer Privacy Act Regulations

October 12, 2020

NOTICE OF THIRD SET OF PROPOSED MODIFICATIONS TO TEXT OF REGULATIONS [OAL File No. 2019-1001-05]

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 a third set of proposed modifications made to the regulations regarding the California Consumer Privacy Act.

The Department first published and noticed the proposed regulations for public comment on October 11, 2019. On February 10, 2020 and March 11, 2020, the Department gave notice of modifications to the proposed regulations, based on comments received during the relevant comment periods. The Department withdrew the following sections from the review of the Office Administrative Law (OAL) pursuant to Government Code section 11349.3, subd. (c): 999.305(a)(5), 999.306(b)(2), 999.315(c), and 999.326(c). OAL approved the other sections submitted by the Department, effective August 14, 2020, and these provisions became final.

The modifications are indicated by bold blue underline for proposed additions and red strike out for proposed deletions to the regulations that became effective on August 14, 2020. This third set of modifications include the following changes:

- Proposed section 999.306, subd. (b)(3), provides examples of how businesses that collect personal information in the course of interacting with consumers offline can provide the notice of right to opt-out of the sale of personal information through an offline method.
- Proposed section 999.315, subd. (h), provides guidance on how a business's methods for submitting requests to opt-out should be easy and require minimal steps. It provides illustrative examples of methods designed with the purpose or substantial effect of subverting or impairing a consumer's choice to opt-out.
- Proposed section 999.326, subd. (a), clarifies the proof that a business may require an authorized agent to provide, as well as what the business may require a consumer to do to verify their request.

-
- Proposed section 999.332, subd. (a), clarifies that businesses subject to either section 999.330, section 999.331, or both of these sections are required to include a description of the processes set forth in those sections in their privacy policies.

This Notice, the text of the third set of proposed modifications to the regulations, and a comparison of the text as approved by the Office of Administrative Law with the currently proposed modifications are available at www.oag.ca.gov/privacy/ccpa/current. The originally proposed regulations and all documents relating to the rulemaking package, including previous modifications to the proposed regulations, are also available at this website.

The Department will accept written comments regarding the proposed changes between Tuesday, October 13, 2020 and Wednesday, October 28, 2020. Please limit comments to the additions indicated in bold blue underline and the deletions indicated in red strike out. All written comments on the underlined changes must be submitted to the Department **no later than 5:00 p.m. on October 28, 2020** by email to PrivacyRegulations@doj.ca.gov, or by mail to the address listed below.

Lisa B. Kim, Privacy Regulations Coordinator
California Office of the Attorney General
300 South Spring Street, First Floor
Los Angeles, CA 90013
Email: PrivacyRegulations@doj.ca.gov

All timely comments received that are relevant to the third set of proposed modifications indicated in blue bold underline and red strike out format will be reviewed and responded to by the Department's staff as part of the compilation of the rulemaking file.