

New State Laws in 2017 Bolster Data Privacy Protections

By [Samantha Young](#) | January 03, 2017



Assemblymember Ed Chau, D-Monterey Park. Screen cap courtesy of CalChannel

Californians begin 2017 with improved privacy protections in state law intended to shield their personal information stored online and in state databases.

A handful of laws that went into effect Jan. 1 target the protection of Social Security numbers, home addresses and information collected about preschool children. It continues lawmakers' push to protect Californians' personal information

collected by both businesses and state agencies.

“As technology continues to grow, it touches upon every facet of our life and it’s important we keep up,” Assemblyman Ed Chau told *TechWire* in an interview.

Chau, D-Monterey Park, who is chairman of the Assembly Privacy and Consumer Protection Committee, authored legislation last year that seeks to shield young kids from the growing practice of data collection on websites and mobile apps. Specifically, beginning in July, website and mobile apps designed for prekindergarten and preschool pupils will no longer be allowed to target, market or profile the young children who use their products.

The new law, AB 2799, is an expansion of existing state law that aims to protect and educational records and personal information of K-12 students.

He also spearheaded a new law that expands California's breach notification mandate, requiring that Californians will now be notified if an unauthorized person obtains encrypted personal data. The new law, AB 2828, applies to both public agencies and businesses that own or license computerized data that includes personal information.

California was among the first states in the country to mandate privacy protections and alert their residents about breaches of their personal information. Sanjay Nangia, a business litigation attorney who has represented clients in data breach cases, said lawmakers in California continue to find a balance between protecting residents and allowing businesses to operate.

"In recent years, we've had massive data breaches and more attention drawn to what could go wrong when individuals provide personal information," Nangia said. "I think there's more of an understanding that information can be sold and there are troves of data out there about individuals."

In 2016, lawmakers also took steps to protect the names, addresses and images of victims of human trafficking, as well as their families. The new protections that went into effect this month go beyond standard privacy rules, which lawmakers argued was necessary because of the potential retaliation against victims and their families by human traffickers. The law by AB 2498 by Rob Bonta, D-Oakland, will keep confidential victims' personal information under the California Public Records Act.

Another new law seeks to close a loophole in state law so that the addresses of victims of domestic violence, sexual assault and stalking cannot be found through property records kept by local county assessors. The new law, AB 2263 by Catharine Baker, R-San Ramon, strengthens state confidentiality standards and prevents certain real-estate records from being published. The

protection also extends to reproductive health-care service providers.

The spate of privacy laws reflects a growing trend among lawmakers interested in privacy protections as more personal information data is collected and stored by both the private sector and government. Noting that the right to privacy is part of the state constitution, Chau said he expects the Legislature to continue its vigilance in this area.

Other privacy laws that go into effect in 2017:

- AB-1687 by Ian Calderon, D-Whittier, makes it illegal for a commercial online entertainment employment service provider to publish a subscriber's age in an online profile. Lawmakers approved the measure in an effort to prevent age discrimination by employers who can often find biographical information about job applicants through social media and employment referral websites.
- Beginning in the 2017-18 fiscal year, school districts, local education offices and charter schools must assign pupil identification numbers to students as opposed to collecting Social Security numbers as a way to evaluate their special education programs. AB 2097 by Melissa Melendez, R-Lake Elsinore, would phase in the requirement over two years.