

# The California Consumer Privacy Act:

## DWT'S ROADMAP TO COMPLIANCE

### 2 BUILD A PRIVACY PROGRAM FOUNDATION

- Update existing or develop tailored program that considers information security and consumer privacy obligations throughout business operations
- Create model information handling schedules for service provider and other third-party relationships
- Update incident response protocol and security controls
- Review or develop policies necessary to manage business records and protect information assets at all stages of data lifecycle, including disposal

### 1 IDENTIFY AND ASSESS

- Assess ability to identify, extract, and erase “personal information” relating to a particular consumer
- Create inventory of information collection points, systems, and storage locations
- Analyze effects of consumer opt-in/ opt-out and deletion rights on operations, including disclosures, processes, and storage exempted from these rights
- Update information security risk assessment and review adequacy of security controls in light of new liability provisions

### 3 IMPLEMENT SPECIFIC REQUIREMENTS

- Update online and offline consumer privacy policies, including adding required disclosures to websites
- Implement processes to respond to requests from consumers for access and deletion within 45 days
- Implement consumer opt-out and opt-in procedures that comply with new standards
- Review and revise service provider/ third-party agreements that require sharing consumer personal information
- Train personnel on new requirements, consumer rights, and how to respond to requests for access or deletion

# California Consumer Privacy Act (CCPA)

## FREQUENTLY ASKED QUESTIONS

### Are We There Yet?

#### **Why Are There so Many Stops on the Roadmap?**

The CCPA requires businesses to rework privacy and information security policies and procedures across business lines and throughout the information lifecycle. In order to meet the detailed notice and access requirements set forth in the law, organizations will need to create and maintain an unprecedented amount of documentation on the way in which they collect, store, and share information. As the landscape of privacy regulation continues to change rapidly, a holistic compliance approach will make your consumer information infrastructure agile and sustainable even as new requirements arise.

### What Do I Need to Bring With Me?

#### **What Data Is Subject to the CCPA? The Obligations Don't Apply to Anonymous Data, Right?**

Data does not have to include an individual's name to be considered Personal Information subject to the CCPA. Personal Information is defined in the law as 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." Cal. Civ. Code § 1798.140(o). Any line of data that is meant to represent an individual is likely to meet this definition, including data associated with unique identifiers such as device IDs or IP addresses.

Our skilled attorneys can assist you in identifying what data your organization collects that is subject to the CCPA, as well as in evaluating where the law or certain of its obligations may not apply because a data set is protected by certain federal laws or otherwise falls into one of the CCPA's exceptions.

**Contact us** to obtain a business proposal or to engage a member of the DWT Privacy and Security Team for a specific project or service.

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### Are There Alternative Routes?

#### **Is It Necessary to Follow the Exact Path Outlined on the Roadmap?**

For clients who collect a limited amount of personal information and do not use it in complex ways, a more streamlined approach may be appropriate. But with AI and other analytics techniques creating business incentive for increased acquisition and use of data, implementing a data management program is imperative for companies looking to keep their litigation risk low. Without a robust and structured data management program, it will not be possible to track and disclose information as required by the CCPA. A data management program could also drive value for business operations.

### Who Should Drive?

#### **Why Should I Hire Davis Wright Tremaine's Privacy and Security Team to Assist My Organization with Compliance?**

Aligning business processes with requirements in a complex regulatory landscape requires an advisor who can combine deep knowledge of the relevant statutes with technical and implementation expertise.

DWT has been engaged in the CCPA drafting process, as well as the ongoing advocacy efforts to amend the new law. Our in-depth and current knowledge of the CCPA, combined with experience advising clients on pragmatic strategies to comply with a panoply of privacy laws, including GDPR, HIPAA, GLBA, FCRA, NY DFS regulations, and breach notification requirements, helps us steer clients in the right direction.

 **Davis Wright  
Tremaine LLP**