

# interactive dialogue

The “**California Consumer Privacy Act**” webinar will begin at 10:00 am PT

To listen to the audio portion of the webinar, please dial 1-800-536-9136, access code: 9038709#.

- A sign-in sheet and materials were attached to the program reminder email sent Tuesday, January 14, 2020.

- To submit a question before or during the webinar, please use the chat pane on the left-hand side of your screen.
- A replay of this webinar will be available upon request.



# interactive dialogue

## California Consumer Privacy Act

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# a brave new format

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# Why Food and Beverage Companies Should Be Worried

- Data breach class actions
- “Reasonable security” is **un**defined
- Attorney general enforcement, 30 day cure before fine



# Why The CCPA Is Relevant To You

- **Effective now**
- **Gives individuals rights**
- **Strictest law in the country**
- **Significant Penalties**
- **State enforcement**
- **Applies to any company (no industry specific)**



**Class-action lawsuit filed over Marriott data breach**

January 11, 2019

# Why The CCPA Is Relevant To You

- High levels of awareness of GDPR in business and among public
- Extraterritorial reach

*The New York Times*

*Google Is Fined \$57 Million Under  
Europe's Data Privacy Law*



# Consumer Rights CCPA Protects

**Pertains to the “personal information” of “consumers” and requires disclosures to consumers.**

**Allows consumers to request, review, or delete certain personal information, and also to prohibit sale of personal information.**

**Several rights covered**



# The CCPA Risk and Impact to You

- **Class Actions**
  - Data breaches (due to failure to implement “reasonable security procedures and practices”)
- **California AG Actions (enforcement begins on July 1, 2020)**





# Who's a Covered Business Under the CCPA

- Applies to “business” (any for profit organization) that meet certain revenue and data use thresholds
- A business is broadly defined—  
A sole proprietorship or corporate entity of any type that meets certain threshold requirements



# New York CLE Code

**“We have some NY lawyers participating today. In accordance with NY CLE Rules, the New York Verification Code for this program is**

**”**

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# Applicability

**Personal Information: “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.”**



# Sale of Personal Information

- Defines a sale or selling broadly, and more or less as any disclosure of a Consumer's personal information by a business to another business or third party for any monetary or *other valuable consideration*.
- If a business “sells” personal information, it must disclose that fact to Consumers



# Cross Industry Impact of CCPA

- **Food and Agriculture Industry**
- **Advertising/Marketing**
- **Financial Services Industry**
  - excludes PI subject to GLBA
  - excludes PI provided to CRA as long as consistent with FCRA
- **Technology and Fintech Industry**
- **Health Care Industry**
  - excludes HIPAA protected PI
- **Labor & Employment**
  - AB 25, postponed until Jan. 1, 2021



# Staying Ahead – What can be done Today

- **Compliance Readiness**

- Create a data inventory or data flow map
- Plan/develop technology to permit incident response plan and vulnerability management
- Update privacy policy for website/apps and employee privacy policy
- Third party due diligence, including vendor agreements
- Employee/contractor compliance training
- Cyber insurance coverage review
- Assess company readiness to access and/or delete requests





# Practical Compliance Readiness

- **Making detailed disclosures to Consumers about the business’s information processing activities at or before the point of collection of a Consumer’s personal information (update Privacy Policy)**
- **Developing processes for receiving and responding to requests from Consumers exercising their individual data privacy rights (data mapping/system for access/delete requests)**
- **Implementing and maintaining a “reasonable” information security program appropriate to the nature and sensitivity of the personal information the business processes**

# who wants more credit? CLE credit, that is

Complete the sign in sheet included in the reminder email (sent yesterday) and return to [hubble.michelle@dorsey.com](mailto:hubble.michelle@dorsey.com).

We will send CLE Certificates to those who return the form.

# questions?



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