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The “Meat on the Bones”: Attorney General Xavier Becerra Releases CCPA Implementing Regulations

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On October 10, 2019, the California Attorney General, Xavier Becerra, announced at a press conference that his office has released proposed implementing regulations for the California Consumer Privacy Act (“CCPA”). The text of the proposed regulations is available here.

As background, the CCPA is a California privacy law that seeks to give California consumers the rights to know about and control the personal information that businesses collect about them. For a detailed discussion of the CCPA, please see our previous posts (available here and here).

Attorney General Becerra opened the press conference by noting that “Data is today’s gold. Everyone’s rushing to mine data. And California’s not unfamiliar with gold rushes.” He believes that we are at a “crossroad” for protecting consumers’ privacy rights and that California is a state that can take on the challenge to lead other states and protect consumers’ privacy rights. He stated that his office intends to “do our duty to enforce” the CCPA.

He explained that the four purposes of the regulations, which serve as the “meat” to the statute’s “bones,” were: restoring choice; giving control; providing transparency; and fostering innovation.

In turn, he described the proposed regulations as addressing:

- how businesses provide notice to consumers of their rights;
- how businesses handle consumer requests;
- how businesses verify a consumer’s identity;
- protecting minors’ data; and

- how businesses can comply with the CCPA's anti-discrimination language, while offering financial incentives to consumers who do not choose to opt-out of the sale of their personal information.

Becerra noted that the official comment period begins on October 11, 2019, and that parties may submit comments by mail, email, or by attending any of the scheduled public hearings. More information on how to provide comments can be found on the Attorney General's CCPA website.

The proposed regulations are expected to be finalized in advance of the CCPA's deadline of July 1, 2020 for the AG to promulgate regulations.

The AG also released a Statement of Reasons, which is available here, and a Rulemaking Notice, available here. Please continue checking our blog for updates, as we track the status of the proposed regulations.

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