

## Data Privacy and Cybersecurity

# California's Attorney General's Office Clarifies Points in New Amendments to Regulations

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On Monday, October 12, 2020, the Office of Attorney General Xavier Becerra published a [third set of modifications](#) to the regulations of the California Consumer Privacy Act of 2018 (CCPA). The CCPA regulations, [last modified on March 11, 2020](#), became effective on August 14, 2020.

This third set of modifications seeks to provide straightforward guidance and clarity with respect to four areas:

- **Offline Notices.** The third set added section 999.306(b)(3), explaining that businesses that collect personal information in the course of acting with consumers offline must provide notice of a consumer's right to opt-out through an offline method. The new section provides examples of acceptable methods, including providing printouts, posting signs, and providing notice orally over the phone.
- **Easy Opt-Out.** New regulation section 999.315(h) requires that a business' methods for submitting opt-out requests be easy and require minimal steps. The new section provides five examples of what a business should not do: (1) require a consumer to go through more steps to opt-out than to opt-in, (2) use confusing language such as double negatives, (3) require consumers to listen to reasons why they should not submit a request to opt-out beyond what is permitted in the regulations, (4) require personal information not necessary to implement the request, and (5) require a consumer to scroll a long document upon clicking the "Do Not Sell My Personal Information" link.
- **Authorized Agent Proof.** The proposed regulations revise section 999.326(a) to clarify that a business may require an authorized agent to provide proof that the consumer gave permission to submit a request.
- **Privacy Policies and Children.** The third set of regulation revisions amend existing section 999.332(a) to clarify that businesses subject to either section 999.330 (concerning consumers under 13 years old), section 999.331 (concerning consumers 13-15 years old), or both of these sections must include a description of the processes set forth in those sections in their privacy policies.

The deadline to submit comments regarding these new modifications is October 28, 2020 at 5:00 p.m.



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