

Data Privacy and Cybersecurity

Attorney General's Office Submits Final Version of CCPA Regulations for Approval to Meet July 1 Enforcement Deadline

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On Monday, June 1, 2020, the Office of Attorney General Xavier Becerra submitted [final proposed California Consumer Privacy Act \(CCPA\) regulations](#) to the California Office of Administrative Law (the OAL) for approval. The OAL technically has 30 working days plus another 60 calendar days in which to review and approve the regulations before they become effective. However, the Attorney General's Office urged that the OAL complete its review by July 1, 2020 to meet the start of the CCPA enforcement deadline—even amidst calls for the deadline to be pushed back due to COVID-19-related concerns. The attorney general reasoned that, despite the challenges COVID-19 may pose and the extension to submit the final proposal granted by Governor Gavin Newsom, the involved process of making the regulations began well before the crux of the virus. The Attorney General did, however, note that it has the discretion to decide when to actually enforce the new regulations.

The final proposed regulations are unchanged from [the second modifications to the proposed regulations, which were published on March 11, 2020](#). The draft regulations were [originally published well before that, on October 11, 2019](#), with the [first modifications published in February of this year](#).

As we explained in our previous alerts, the regulations provide new, substantive obligations for businesses under the CCPA:

- **New privacy policy notice requirements.** For example, the regulations require that mobile apps must provide “just in time” notice. The regulations also require disclosures related to the verification of consumer requests and the use of authorized agents for submission of CCPA requests.
- **Verifying and Responding to Consumer Requests.** The regulations contain multiple, new requirements related to the verification and response process to consumer requests. For example, new deadlines for responding to certain requests, and requirements as to the number of data elements that must be verified by a business based on the type of consumer request.
- **Clarifying a business's response to request from a household.** For example, the regulations explain that a business need not respond to a request to know or delete unless all household members join in the request.
- **Clarifying the obligations of service providers.** For example, the regulations explain that a service provider has the option to either comply with a consumer request for disclosure or deletion or to respond that it cannot comply because it is only a service provider and not the business itself.

Jenner & Block's Data Privacy and Cybersecurity practice has compiled all of the substantive differences between these final regulations and the CCPA statute itself. If you are interested in obtaining this document, please contact one of the authors of this alert.

Our previous articles, on the [first modifications](#) and [second modifications](#) highlight the notable aspects of and summarize some of the important changes to the regulations on their path to becoming final. The final proposed regulations submitted on June 1 were accompanied by a lengthy [Statement of Reasons](#), which provides a comprehensive list of all modifications from the October 11 draft and chronicles the process of incorporating stakeholder comments.

With enforcement of the CCPA still slated for next month, businesses should scrutinize their existing privacy policies and procedures, and adopt changes to comply with the regulations by July 1, 2020, if possible.



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