

# Court Delays Enforcement of March 29, 2023, CCPA Regulations

## Publications

September 2023

On June 30, 2023, the California Superior Court (Court) hearing *Cal. Chamber of Commerce v. Cal. Privacy Prot. Agency*, No. 34-2023-8004106 (Cal. Sup. Ct.) held that the California Privacy Protection Agency (Agency) cannot enforce the regulations it issued on March 29, 2023, until next year, specifically March 29, 2024.

The regulations are the fruit of the California Privacy Rights Act of 2020 (Act). The Act established new standards regarding the collection, retention, and use of consumer data and created the Agency to implement and enforce the law. The Act required the Agency to adopt final regulations required by the Act by July 1, 2022, and stated “administrative enforcement ... shall not commence until July 1, 2023.” Ca. Civ. Code § 1798.185.

The Agency did not approve their first set of regulations until March 29, 2023 (eight months late). These regulations only covered 12 of the 15 areas contemplated by Section 1798.185. The Agency had previously stated its intention to begin enforcing the first set of regulations as soon as July 1, 2023.

The California Chamber of Commerce filed an action and sought a Court order compelling the Agency to adopt final regulations and commanding the Agency to refrain from enforcing the Act within one year of adoption. The Court agreed that the Agency was untimely in its publication of the final regulations and that voters intended for enforcement not to begin for one year following the Agency’s promulgation of final regulations to allow “sufficient time for affected businesses to become compliant with the regulations.” The Court stayed the enforcement of any Agency regulation implemented pursuant to Subdivision (d) for 12 months after that individual regulation is implemented.

The Court rejected Petitioners' request for an order requiring a stay of any enforcement of any California Consumer Privacy Act (CCPA) regulation until the Agency had finalized all the regulations required by the CCPA.

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