

Highlights & Takeaways: California Attorney General Issues Modifications to Proposed CCPA Regulations

February 21, 2020

On February 7, 2020, the Office of the Attorney General of California (“**CAL AG**”) released a modified version of its proposed regulations, which it further modified on February 10, 2020, under the California Consumer Privacy Act (“**CCPA**”). These modified regulations remain subject to additional amendment, with the Cal AG soliciting public comments on its latest draft until February 25, 2020. The Cal AG can begin bringing enforcement actions under the CCPA on July 1, 2020, including for violations dating back to the CCPA’s effective date of January 1, 2020.

For the full text of the modified regulations, click [here](#).

For a redline published by the Cal AG comparing the modified regulations with the initial draft of the proposed regulations, click [here](#) or, for an unofficial but more reader-friendly version of the redline, click [here](#).

Highlights & Takeaways

The modified regulations generally provide helpful clarifications and, in some cases, scale back certain burdensome obligations imposed on businesses by the initial draft of the proposed regulations. Below are four key changes that have been introduced in this latest version:

- Definition of Personal Information. The modified regulations clarify that if a business does not maintain information in a manner that “identifies, relates to, describes, is reasonably capable of being associated with, or could be reasonably linked, directly or indirectly, with a particular consumer or household,” such information is not “personal information” under the CCPA. The modified regulations provide, as an example, that Internet Protocol (IP) addresses are *not* considered personal information under the CCPA if a business does not link, and could not reasonably link, the IP addresses it collects to a particular consumer or household.
- Permitted Uses of Personal Information by Service Providers. While the initial draft of the proposed regulations generally prohibited services providers from using personal information received from one person or entity to provide services to another person or entity, the modified regulations expressly allow a service provider to use personal information for, among other things, internal use to build or improve the quality of its services, as long as that use does not include building or modifying household or consumer profiles or cleaning or augmenting data acquired from another source.
- Accessibility of Privacy Policies and Notices. The modified regulations specify that all privacy policies posted online, and each of the three types of notices required under the CCPA (i.e., notice at collection, notice of the right to opt-out of the sale of personal information, and notice of financial incentive) when provided online, must follow generally recognized industry accessibility standards for consumers with disabilities, such as the Web Content Accessibility Guidelines, version 2.1 of June 5, 2018, from the World Wide Web Consortium.
- Collection through Mobile Devices. The modified regulations provide two important clarifications regarding collection of personal information through mobile apps. First, the regulations clarify that a business may provide a link to the notice of collection on the mobile application’s download page and within the application, such as through the settings menu. Second, the regulations

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provide that when a business collects personal information from a consumer's mobile device for a purpose the consumer would not reasonably expect, the business must provide a just-in-time notice (for example, through a pop-up window) containing a summary of the categories of personal information being collected and a link to the full notice at collection. The modified regulations give the example of a flashlight app that collects geolocation information as a scenario under which such a just-in-time notice of collection would be required.

For additional analysis of the CCPA, please see our previous client memoranda and blog posts, available [here](#), [here](#), [here](#) and [here](#). If you have any questions regarding the matters covered in this publication, or the CCPA generally, please contact any of the lawyers listed below or your usual Davis Polk contact.

Frank J. Azzopardi	212 450 6277	frank.azzopardi@davispolk.com
Robert A. Cohen*	202 962 7047	robert.cohen@davispolk.com
Pritesh P. Shah	212 450 4147	pritesh.shah@davispolk.com
Matthew J. Bacal	212 450 4790	matthew.bacal@davispolk.com
Daniel F. Forester	212 450 3072	daniel.forester@davispolk.com
Matthew A. Kelly	212 450 4903	matthew.kelly@davispolk.com
Yana Kipnis	212 450 3683	yana.kipnis@davispolk.com

*Mr. Cohen is admitted to practice in New York and Maryland, and is practicing in DC under the supervision of partners of the firm.

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