Status of Proposed CCPA Amendments
(as of September 20, 2019)

BILL	RELEVANT CCPA SECTION	SUMMARY	DETAILED DESCRIPTION OF FINAL AMENDMENT TEXT	DATE OF LAST ACTION	NEXT STEPS
WHAT PASSED					
AB 25	Section 1798.145(h)	Exclusion of "employee" from the definition of consumer	Exempts data collected from a person acting as a job applicant, employee, contractor or agent on behalf of the business, as long as their personal information is collected and used solely within the context of that role. The exemption does not apply to the private right of action, businesses must provide these individuals with a privacy notice, and the provision sunsets in 2021.	9/20/2019	The bill will be proofread for accuracy and then delivered to the Governor for signature by October 13, 2019.
	Section 1798.130(a)(2)	Consumer authentication	A business may require authentication of a consumer that is reasonable in light of the nature of the personal information requested, and if the consumer maintains an account with the business, the business may require the consumer to submit the request through that account.		
AB 874	Section 1798.140(o)(1)	Updates the definition of personal information	Personal information is information that is … "reasonably" capable of being associated with … a particular consumer or household.	09/18/2019	The bill will be proofread for accuracy and then delivered to the Governor for signature by October 13, 2019.
	Section 1798.140(o)(2)	Expands publicly available information exemption	Removes the requirement that for data to qualify for the "publicly available" information exemption, it must be used for the purpose for which it was maintained. Such information can now be used for any purpose.		

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AB 1564	Section 1798.130(a)(1)(A)	Updating Disclosure Methods for Online Businesses	A business that operates exclusively online and has a direct relationship with a consumer from whom it collects personal information is only required to provide an email address for submitting requests for information required to be disclosed (instead of a toll-free number).	07/11/2019	The bill will be proofread for accuracy and then delivered to the Governor for signature by October 13, 2019.
AB 1146	Section 1798.105(d)(1)	Exemption for vehicle warranties and recalls.	Exempts from the right to delete, personal information that is necessary for the business fulfill the terms of a written warranty or product recall conducted in accordance with federal law. There is no exemption for the right to opt-out	09/19/2019	The bill will be proofread for accuracy and then delivered to the Governor for signature by October 13, 2019.
AB 1202*	N/A	Data broker registration	Requires data brokers to register with, and provide certain information to, the Attorney General. The bill defines a data broker as a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship, subject to specified exceptions (FCRA, GLBA, CMIA, etc.). Data brokers that fail to register would be subject to injunction and liability for civil penalties, fees, and costs in an action brought by the Attorney General.	09/18/2019	The bill will be proofread for accuracy and then delivered to the Governor for signature by October 13, 2019.

AB 1355	Section 1798.110(c)(5)	Clarifies the disclosure obligation	Clarifies that the disclosure obligation requires a business to disclose that the consumer has <u>the right to request</u> specific pieces of information that a business has collected about that consumer (rather than requiring the specific pieces of information to be disclosed in the privacy policy).	09/18/2019	The bill will be proofread for accuracy and then delivered to the Governor for signature by October 13, 2019.
	Section 1798.145(d)	Clarifies the FCRA exemption	Clarifies the Fair Credit Reporting Act (the "FCRA") exemption.		
	Section 1798.185(b)(1)	Clarifies that the AG may adopt guidelines to address the privacy impact of access requests for household information	Clarifies that the Attorney General may adopt additional regulations to address verifiable consumer requests for specific pieces of personal information relating to a household in order to address obstacles to implementation and privacy concerns.		
	Section 1798.145(o)	B2B Exemption	Provides a one year exemption from certain portions of the CCPA (disclosure, deletion, access, but NOT sale or private right of action for breach) for personal information communications/transactions between the business a consumer acting in a B2B context.		
	Section 1798.145(l)	Clarifies business obligations in	Clarifies that a business does not need to collect personal information that it would not otherwise collect in the ordinary course of its		

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		connections with respect to access requests.	business or retain personal information for longer than it would otherwise retain such information in the ordinary course of its business in order to comply with the CCPA.		
	Section 1798.140(o)(3)	Excludes de-identified and aggregate data from definition of personal information.	Clarifies that personal information does not include de-identified or aggregate consumer information.		
	Section 1798.125.(a)(2)	Clarifies discrimination exemption.	Clarifies that a business may charge a consumer a different price or rate if the difference is reasonably related to the value provided to the business (rather than the value to the consumer) by the consumer's data.		
	Section 1798.150(a)(1)	Clarifies scope of private right of action for a security breach.	Clarifies that personal information must be nonencrypted AND nonredacted to trigger private right of action if that information is subject to a breach.		

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AB 1130*	N/A	Expansion of personal information definition for data breach	Expands the definition of "personal information" in California's Data Breach Notification Law as it relates to both public agencies and businesses to include (1) tax identification numbers, passport numbers, military identification numbers, and unique identification numbers issued on a government document (in addition to those for driver's licenses and California identification cards) and (2) a person's biometric information. This bill would authorize a person or business that is required to issue a security breach notification to include in a notification for a breach involving biometric data, instructions on how to notify other entities that used the same type of biometric data as an authenticator to no longer rely on data for authentication purposes.	09/11/2019	The bill will be proofread for accuracy and has been delivered to the Governor for signature by October 13, 2019.
WHAT FAILED (FOR NOW)					
AB 873	N/A	Broadening the definition of de-identified and clarifying the definition of personal information	Would have narrowed the definition of de-identified" to mean information that does not "*identify and is not reasonably linkable*" (instead of "*does not reasonably identify, or link*"), *directly or indirectly*," to a particular consumer; provided, that the business makes no attempt to re-identify the information, and takes certain reasonable technical and administrative measures.	07/09/2019	Reconsideration granted. The bill is dead for the year, meaning it will not be part of the law when the CCPA takes effect on Jan. 1, 2020, but could resurface in the 2020 Legislative Session.

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(as of September 20, 2019)

BILL	RELEVANT CCPA SECTION	SUMMARY	DETAILED DESCRIPTION OF FINAL AMENDMENT TEXT	DATE OF LAST ACTION	NEXT STEPS
AB 1416	N/A	Government requests, fraud exception	Would have established an exception to the CCPA for a business that (a) provides a consumer's personal information to a government agency solely for the purposes of carrying out a government program, if specified requirements are met; and/or (b) sells the personal information of a consumer who has opted-out of the sale of the consumer's personal information to another person for the sole purpose of detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity, if the business and the person do not further sell that information for any other purpose.	07/09/2019	The bill is dead for the year, meaning it will not be part of the law when the CCPA takes effect on Jan. 1, 2020, but could resurface in the 2020 Legislative Session.
AB 981	N/A	Insurance exemptions to opt-out/deletion requests	Eliminates a consumer's right to request a business to delete or not sell the consumer's personal information under the CCPA if it is necessary to retain or share the consumer's personal information to complete an insurance transaction requested by the consumer.	05/29/2019	The bill is dead for the year, meaning it will not be part of the law when the CCPA takes effect on Jan. 1, 2020.

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SB 561	N/A	Expansion of the private right of action and elimination of the 30 day cure period.	(i) Expands consumers' private right of action, allowing consumers to bring private lawsuits based on alleged violations of *any* rights under the CCPA; (ii) eliminates the 30-day cure period available to businesses before a civil enforcement action may be brought by the California Attorney General; and (iii) eliminates the ability of a business to request guidance from the Attorney General on issues of compliance.	05/16/2019	The bill is dead for the year, meaning it will not be part of the law when the CCPA takes effect on Jan. 1, 2020, but could resurface in the 2020 Legislative Session
AB 846	N/A	Loyalty Programs	(i) Specifies that nothing in the CCPA prohibits a business from offering a different price, rate, level, or quality of goods or services to a consumer, including offering goods or services for no fee, (a) in connection with loyalty or rewards programs; or (b) where the incentives are for a specific good or service whose functionality is *directly* (not *reasonably*) related to the collection use, or sale of that consumer's data; and (ii) prohibits a business from offering loyalty, rewards, premium features, discounts, or club card programs that are unjust, unreasonable, coercive, or usurious *in nature*.	09/12/2019	Ordered to the inactive file. The bill is dead for the year, meaning it will not be part of the law when the CCPA takes effect on Jan. 1, 2020, but could resurface in the 2020 Legislative Session.

*Note this is <u>not</u> a proposed amendment to the CCPA itself; this bill instead proposes amendments to other relevant privacy-related legislation, and so is included here for informational purposes.