Key Steps You Should Take to Prepare for the CCPA





Determine whether you are covered by the California Consumer Privacy Act (CCPA).

Understand whether your company meets the criteria to be considered a "business" on its own or because of its relationship to an entity it either controls or is controlled by and with which it shares common branding. Keep in mind that entities both above and below you in the corporate hierarchy can pull you under the CCPA, depending on circumstances.



Map and audit personal information data flows.

Conduct a data-mapping and audit exercise focused on California-specific issues. Determine whether you collect "personal information" from California residents within the meaning of the CCPA, understand where that information is located, and identify the parties from which you receive and with which you share that information. Retain records of this mapping process to facilitate operationalization.



Determine the applicability of any exemptions and map their limited scope.

Determine whether the limited exemptions in the CCPA apply to your company (e.g., HIPAA/CMIA, GLBA/CFIPA). Identify any information that remains subject to the CCPA after application of applicable exemptions. Document your basis for claiming the exemption to support your claim at a later date.



Identify key vendors you want to be "service providers" and update contracts.

The CCPA relieves businesses of certain obligations when they share information with "service providers" as opposed to third parties. Review your vendor relationships and identify those vendors you want to be "service providers." Update your agreements with those vendors to include provisions the CCPA requires be included in a contract in order for a vendor to be considered a "service provider." Track which of your vendors do and do not meet the "service provider" definition and limit the sharing of information accordingly.



Adopt mechanisms to provide required notice at or before collection.

Create or adopt mechanisms to provide notice at or before the time of collection. Draft language that covers: (1) the categories of personal information to be collected, and (2) the purposes for which the categories of personal information will be used. Implement notice provisions on hardcopy forms, as well as on online information collection points.

60+

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Update online privacy policies or set up a website if you have no online policy.

Businesses are required to disclose certain information in their online privacy policies or to post the same material on a website if they do not maintain an online privacy policy. Draft language that is consistent with the information provided in response to consumer requests. Harmonize statements across updated polices, notices, and responses to consumer requests.



Adopt or create a consumer request tracking and response system.

Create or adopt mechanisms to receive, track, verify, and respond to consumer requests. Ensure your system can cover consumer requests to disclose information, delete information, or opt out of the sale of information. Different obligations are triggered in relation to each kind of request. Determine which deletion exceptions you will claim and how you will direct service providers to delete. The Attorney General



Prepare opt-out logo and adopt or create mechanism for facilitating opt out/in.

Determine how you will operationalize requests to opt out of the sale of information. Create a separate system, if necessary, to handle opt-in requests from children or their guardians.



Train personnel on how to handle consumer inquiries and the CCPA generally.

Train employees responsible for handling consumer requests on relevant privacy practices, how to facilitate consumer requests, and general CCPA compliance. Consider incorporating CCPA materials into your annual cybersecurity and privacy training to ensure all employees understand the significance of the law.



Update employee policies and procedures to address CCPA concerns.

Include descriptions of California residents' rights under the CCPA, methods for submitting consumer requests, and other information required by the statute.



Proactively lay the groundwork for later application of safe harbors.

The CCPA does not permit consumers to bring private rights of action following data breaches if their personal information was encrypted or redacted, or if the business maintained reasonable security. Take steps now to support claims to these defenses.



Adopt or create a system for tracking violation notices.

The CCPA requires that the Attorney General's Office and consumers provide businesses 30-days' notice of an alleged violation and an opportunity to cure before they file suit. Ensure that you have a system in place to track these notices and have designated someone to handle responses. Businesses must provide consumers with a written statement that the alleged violation has been cured within the 30-day period in order to stave off a private right of action.



Evaluate customer incentive programs.

Ensure that any programs offering differential pricing, rewards for sharing information, etc. are evaluated in light of the CCPA's non-discrimination provision.

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These steps are general guidelines only and are not intended to represent a complete list of all activities necessary to prepare for the CCPA. Specific steps depend on the nature of the business and must be tailored to each business.