

CALIFORNIA CONSUMER PRIVACY ACT OF 2018 - AMENDMENT TRACKER



The California Consumer Privacy Act of 2018 (“CCPA”) goes into effect in three months on January 1, 2020, but there are seven amendment bills still in process. The passage of each of these amendments will have significant impact on whether businesses will be subject to the CCPA and, if so, how those businesses should implement new policies and processes in an effort to comply with this law. As we approach the end of this legislative session, seven of these amendments are still in play, and four are now dead.

The table below provides the status of each amendment as of September 18, 2019.

[Note that October 13, 2019 is the last day for the governor to sign or veto bills that survived the Senate]

Bill	Summary	Status
AB 25	Amends CCPA so that it excludes collection of employment information from job applicants, employees, contractors and agents from the definition of “consumer”.	Passed both houses, in process for governor signature.
AB 874	Excludes “publicly available information” from the definition of “personal information,” and clarifies that deidentified or aggregate information is “not personal information”.	Passed both houses, in process for governor signature.
AB 1138	Requires verifiable parental consent that complies with Children’s Online Privacy Protection Act to create a social media or app account.	Live in Committee.
AB 1146	Exempts vehicle and ownership data for purpose of vehicle repair relating to a warranty or recall.	Passed both houses, in process for governor signature.
AB 1202	Creates “data broker” registry with the California attorney general and requires data brokers to honor consumer opt-outs.	Passed both houses, in process for governor signature.
AB 1355	Allows for differential treatment of a consumer reasonably related to the value of the consumer’s information to the business, and requires a business make disclosures regarding a consumer’s rights.	Passed both houses, in process for governor signature.
AB 1564	Modifies the methods that a business makes available to consumers to submit requests.	Passed both houses, in process for governor signature.

The following amendments are dead for this legislative session:

Bill	Summary	Status
AB 846	Clarifies that certain “non-discrimination” restrictions of CCPA do not apply to loyalty or rewards programs.	Dead for this legislative session.
AB 873	Amends the definition of “deidentified”; removes “household” from definition of “personal information” and revises to mean “reasonably linkable” to a consumer.	Dead for this legislative session.
AB 981	Eliminates a consumer’s right to request a business to delete or not sell the consumer’s personal information if it is necessary to complete an insurance transaction.	Dead for this legislative session, and likely permanently.
AB 1416	Establishes various exceptions to the obligations of a business’s ability to collect, use, retain, sell or disclose personal information; for businesses complying with government requests for data for a govt. program, and for “the sale” (sharing) of data for detection of security incidents or fraud.	Dead for this legislative Session, and likely permanently.

Hoge Fenton is monitoring these CCPA Amendments. Our attorneys are available to discuss how this landmark legislation and its amendments affect businesses handling the personal data of California consumers.

For questions regarding CCPA or any other privacy laws and regulations, please contact **Stephanie O. Sparks**, Shareholder, Chair - Privacy & Data Security and IP.

Related Attorneys

- Stephanie O. Sparks