California Consumer Privacy Act of 2018 ("CCPA") Amendment Bill Tracker

Bill	Amendment Summary	Status
[Assembly Bill 25](#)	• Amends § 1798.130(a)(2) to allow businesses to, in response to a consumer request, "require authentication of the consumer that is reasonable in light of the nature of the personal information requested." Provides that a business shall not require a consumer to create an account with the business to submit a verifiable consumer request, but allows businesses to require the consumer to submit a request through the consumer's existing account with the business. (Cal. Civ. Code § 1798.130(a)(2)). • Adds § 1798.145(g) to exempt the following from the CCPA's application, except for § 1798.100(b) and § 1798.150: "(A) Personal information that is collected by a business about a natural person in the course of the natural person acting as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or contractor of that business to the extent that the natural person's personal information is collected and used by the business solely within the context of the natural person's role or former role as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or a contractor of that business. (B) Personal information that is collected by a business that is emergency contact information of the natural person acting as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or contractor of that business to the extent that the personal information is collected and used solely within the context of having an emergency contact on file.	• Approved by CA Assembly (5/29) • Referred to CA Senate Judiciary Committee (6/12) • Amended by CA Senate Judiciary Committee (6/28) • Amended and passed by CA Senate Judiciary Committee, referred to CA Senate Appropriations Committee (7/9) • Ordered to second reading (8/12) • Ordered to third reading (8/13) • Read third time and amended; ordered to second reading (9/6) • Read second time; ordered to third reading (9/9)

Bill	Amendment Summary	Status
	(C) Personal information that is necessary for the business to retain to administer benefits for another natural person relating to the natural person acting as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or contractor of that business to the extent that the personal information is collected and used solely within the context of administering those benefits." (Cal. Civ. Code § 1798.145(g)(1)(A-C). • Adds definitions of "contractor," "director," "medical staff member," "officer" and "owner." (Cal. Civ. Code § 1798.145(g)(2). • Adds a one-year sunset clause, specifying that § 1798.145(g) would become inoperative beginning January 1, 2021. • Section 1798.145(g) would not apply to § 1798.100(b) of the CCPA, which provides that "a business that collect's a consumer's personal information shall, at or before the point of collection, inform consumers as to the categories of personal information to be collected and the purposes for which the categories of personal information shall be used. A business shall not collect additional categories of personal information or use personal information collected for additional purposes without providing the consumer with notice consistent with this section." • Section 1798.145(g) would not apply to § 1798.150 of the CCPA, which grants a private right of action to California residents in the event of a data breach that occurs "a result of the business's violation of the duty to implement and maintain reasonable security procedures and practices appropriate to the nature of the information to protect the personal information." Therefore, if a business were to experience a data breach affecting the personal information of the categories of individuals	• Passed by Senate; In Assembly; Concurrence in Senate amendments pending (9/12) • **Senate amendments concurred by Assembly; in engrossing and enrolling (9/13)**

Bill	Amendment Summary	Status
	enumerated in this exemption, such individuals would still be able to bring a private right of action against the business. • Incorporates by reference CCPA amendment bills AB 1564, AB 1355 and AB 1146.	
[Assembly Bill 874](#)	• Amends definition of "personal information" as follows: "information that identifies, relates to, describes, is *reasonably* capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Personal information includes, but is not limited to, the following if it 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." (Cal. Civ. Code § 1798.140(o)(1)). • Clarifies the meaning of "publicly available" in the definition of "personal information" as follows: "information that is lawfully made available from federal, state, or local government records. 'Publicly available' does not mean biometric information collected by a business about a consumer without the consumer's knowledge." (Cal Civ. Code § 1798.140(o)(2)). • Clarifies that "personal information" does not include "consumer information that is deidentified or aggregate consumer information." (Cal Civ. Code § 1798.140(o)(3)). • Incorporates by reference CCPA amendment bill AB 1355.	• Approved by CA Assembly (5/9) • Referred to CA Senate Judiciary Committee (5/22) • Passed by CA Judiciary Committee and referred to CA Senate Appropriations Committee (7/9) • Ordered to second reading and ordered to Consent Calendar (8/12) • Read third time and amended; ordered to second reading (9/4) • Read second time; ordered to third reading (9/5) • Read third time and amended; ordered to second reading (9/6)

Bill	Amendment Summary	Status
		• Passed by Senate, ordered to Assembly (concurrence in Senate amendments pending) (9/11) • **Senate amendments concurred by Assembly; in engrossing and enrolling (9/12)**
[Assembly Bill 1146](#)	• Clarifies that the CCPA's deletion right shall not apply to the extent it is necessary to maintain the consumer's personal information to "fulfill the terms of a written warranty or product recall conducted in accordance with federal law." (Cal Civ. Code § 1798.105(d)(1)). • Clarifies that the CCPA's opt-out of sale right "shall not apply to vehicle information or ownership information retained or shared between a new motor vehicle dealer . . . and the vehicle's manufacturer . . . if the vehicle or ownership information is shared for the purpose of effectuating, or in anticipation of effectuating, a vehicle repair covered by a vehicle warranty or a recall;" adds definitions of "vehicle information" and "ownership information." (Cal Civ. Code § 1798.145(g)(1)). • Incorporates by reference CCPA amendment bills AB 25 and AB 1355.	• Approved by CA Assembly (5/23) • Referred to CA Senate Judiciary Committee (6/6) • Amended by CA Senate Judiciary Committee (6/14) • Amended by CA Senate Judiciary Committee (6/28) • Passed by CA Judiciary Committee and referred to CA Senate Appropriations Committee (7/9) • Ordered to second reading (8/12)

Bill	Amendment Summary	Status
		• Ordered to third reading (8/13) • Read third time and amended; ordered to second reading (9/6) • Passed by Senate, ordered to Assembly (concurrence in Senate amendments pending) (9/11) • **Senate amendments concurred by Assembly; in engrossing and enrolling (9/12)**
[Assembly Bill 1355](#)	• Clarifies that a business's privacy policy must disclose (1) "the categories of personal information it has collected about *consumers*," as opposed to "that consumer" and (2) "*that a consumer has the right to request* the specific pieces of personal information the business has collected about that consumer," as opposed requiring a business to disclose the actual specific pieces of personal information collected about the consumer. (Cal Civ. Code §§ 1798.110(c)(1),(5)). • Clarifies that, for consumers who are "*at least 13 years of age and less than* 16 years of age" (excluding children who are 16 years of age), a business must obtain affirmative authorization from the consumer to sell the consumer's personal information. (Cal Civ. Code § 1798.120(c)).	• Approved by CA Assembly (5/9) • Referred to CA Senate Judiciary Committee (5/22) • Passed by CA Judiciary Committee and referred to CA Senate Appropriations Committee (7/9) • Ordered to second reading and ordered to Consent Calendar (8/12)

Bill	Amendment Summary	Status

	• Clarifies that Section 1798.125 considers the value provided to the *business*, as opposed to the *consumer*, as follows:
	
	    o (a)(2) "Nothing in this subdivision prohibits a business from charging a consumer a different price or rate, or from providing a different level or quality of goods or services to the consumer, if that difference is reasonably related to the value provided to the ***business*** by the consumer's data."
	
	    o (b)(1) "A business may offer financial incentives, including payments to consumers as compensation, for the collection of personal information, the sale of personal information, or the deletion of personal information. A business may also offer a different price, rate, level, or quality of goods or services to the consumer if that price or difference is directly related to the value provided to the ***business*** by the consumer's data." (Cal Civ. Code §§ 1798.125(a)(2), (b)(1)).
	
	• Amends Section 1798.130(a)(5)(A) and 1798.130(a)(6) to clarify that the rights available to consumers under Section 1798.100 and Section 1798.105 would need to be (1) disclosed in a business's privacy policy and any California-specific description of consumers' privacy rights and (2) communicated to relevant business personnel responsible for CCPA compliance (<u>i.e.</u>, as part of CCPA compliance training). (Cal Civ. Code §§ 1798.130(a)(5)(A), (6)).
	
	• Amends Section 1798.140(o)(2), the definition of "personal information," to clarify that "personal information," as opposed to "publicly available," "does not include consumer information that is deidentified or aggregate consumer information." (Cal Civ. Code § 1798.140(o)(2)).
		• Ordered to third reading (8/15)
		
		• Read third time and amended; ordered to second reading (9/6)
		
		• Read second time; ordered to third reading (9/9)
		
		• Passed by Senate; In Assembly; Concurrence in Senate amendments pending (9/12)
		
		• **Senate amendments concurred by Assembly; in engrossing and enrolling (9/13)**

Bill	Amendment Summary	Status
	• Amends Section 1798.140(y), the definition of "verifiable consumer request," to state that a business is "not obligated to provide information to the consumer pursuant to Sections **_1798.100, 1798.105, 1798.110, and 1798.115_** if the business cannot verify . . . that the consumer making the request is the consumer about whom the business has collected information or is a person authorized by the consumer to act on such consumer's behalf." (Cal Civ. Code § 1798.140(y)). • Amends Section 1798.145(d)(1) to clarify that, with the exception of Section 1798.150, the CCPA shall not apply to "an activity involving the collection, maintenance, disclosure, sale, communication, or use of any personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, as defined in subdivision (f) of Section 1681a of Title 15 of the United States Code, by a furnisher of information, as set forth in Section 1681s-2 of Title 15 of the United States Code, who provides information for use in a consumer report, as defined in subdivision (d) of Section 1681a of Title 15 of the United States Code, and by a user of a consumer report as set forth in Section 1681b of Title 15 of the United States Code." (Cal Civ. Code § 1798.145(d)(1)). o Clarifies that Section 1798.145(d)(1) shall apply "only to the extent that such activity involving the collection, maintenance, disclosure, sale, communication, or use of such information by that agency, furnisher, or user is subject to regulation under the Fair Credit Reporting Act, section 1681 et seq., Title 15 of the United States Code and the information is not used, communicated, disclosed, or sold except as authorized by the Fair Credit Reporting Act." (Cal Civ. Code § 1798.145(d)(2)).	

Bill	Amendment Summary	Status

	o Stipulates that 1798.145(d) shall <u>not</u> apply to Section 1798.150. (Cal Civ. Code § 1798.145(d)(3)).
	
	• Amends Section 1798.145(i) to add the following italicized language: "This title shall not be construed to require a business *to collect personal information that it would not otherwise collect in the ordinary course of its business, retain personal information for longer than it would otherwise retain such information in the ordinary course of its business, or* reidentify or otherwise link information that is not maintained in a manner that would be considered personal information." (Cal. Civ. Code § 1798.145(i)).
	
	• Adds Section 1798.145(l) to exempt the following from the obligations imposed on businesses by Sections 1798.100, 1798.105, 1798.110, 1798.115, 1798.130, and 1798.135: "personal information reflecting a written or verbal communication or a transaction between the business and the consumer, where the consumer is a natural person who is acting as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietorship, nonprofit, or government agency and whose communications or transaction with the business occur solely within the context of the business conducting due diligence regarding, or providing or receiving a product or service to or from such company, partnership, sole proprietorship, nonprofit or government agency."
	
	    o Adds definitions of "contractor," "director," "officer" and "owner." (Cal. Civ. Code § 1798.145(l)(2)).
	
	    o Adds a one-year sunset clause, specifying that § 1798.145(l) would become inoperative on January 1, 2021. (Cal. Civ. Code § 1798.145(l)(3)).	

Bill	Amendment Summary	Status
	• Amends Section 1798.150(a)(1) to clarify that class-action lawsuits may be brought only for data breaches pursuant to California's data breach notification law when the personal information is "nonencrypted and nonredacted." (Cal. Civ. Code § 1798.150(a)(1)). • Adds Section 1798.185(b)(1) to state that the Attorney General may adopt regulations "[t]o establish rules and procedures on how to process and comply with verifiable consumer requests for specific pieces of personal information relating to a household in order to address obstacles to implementation and privacy concerns." • Corrects several cross-references and typos across the CCPA. • Incorporates by reference CCPA amendment bills AB 25, AB 874, AB 1146 and AB 1564.	
Assembly Bill 1564	• Clarifies that a business must make available to consumers "two or more designated methods" for submitting requests for information required to be disclosed pursuant to Sections 1798.110 and 1798.115, including, at minimum, a toll-free telephone number." (Cal Civ. Code § 1798.130(a)(1)(A)). • Clarifies that a business that "operates exclusively online and has a direct relationship with a consumer from whom it collects personal information" is required to provide only an email address for submitting requests for information required to be disclosed pursuant to Sections 1798.110 and 1798.115 of the CCPA. (Cal Civ. Code § 1798.130(a)(1)(A)). • Specifies that if a business maintains a website, the business must make the website available to consumers to submit requests for information	• Approved by CA Assembly (5/13) • Referred to CA Senate Judiciary Committee (5/22) • Amended by CA Senate Judiciary Committee (6/14) • Amended and passed by CA Senate Judiciary Committee and referred to CA Senate Appropriations Committee (7/9)

Bill	Amendment Summary	Status
	required to be disclosed pursuant to Sections 1798.110 and 1798.115 of the CCPA. (Cal Civ. Code § 1798.130(a)(1)(B)). • Incorporates by reference CCPA amendment bills AB 25 and AB 1355.	• Ordered to second reading (8/12) • Read second time; ordered to third reading (8/13) • Read third time and amended; ordered to second reading (9/6) • Passed by Senate, ordered to Assembly (concurrence in Senate amendments pending) (9/11) • **Senate amendments concurred by Assembly; in engrossing and enrolling (9/12)**
[Assembly Bill 846](#)	• Clarifies that the CCPA "shall not be construed to prohibit a business from offering a different price, rate, level, or quality of goods or services to a consumer, including offering its goods or services for no fee, if the offering is in connection with a consumer's voluntary participation in a loyalty, rewards, premium features, discounts, or club card program." (Cal. Civ. Code § 1798.126(a)). • Prohibits businesses from offering "loyalty, rewards, premium features, discounts, or club cards that are unjust, unreasonable, coercive, or usurious in nature." (Cal. Civ. Code § 1798.126(b)).	• Approved by CA Assembly (5/28) • Referred to CA Senate Judiciary Committee (6/6) • Amended and passed by CA Senate Judiciary Committee, referred to CA Senate Appropriations Committee (7/9)

Bill	Amendment Summary	Status
	• Prohibits businesses from selling the "personal information of consumers collected as part of a loyalty, rewards, premium features, discounts, or club card program," except as provided in Cal. Civ. Code § 1798.126(e)(2). (Cal. Civ. Code § 1798.126(e)(1)). • Specifies that a business may sell a consumer's personal information "collected as part of a loyalty, rewards, premium features, discounts, or club card program to a third party in order for the third party to provide the consumer with a financial incentive, sale, or other discount when both of the following conditions are met:" (A) "The business obtains the express consent of the consumer to sell the information to the specific third party after the business discloses the terms of the sale. A consumer shall be given the option to participate in the program, on equal terms with other participants, without consenting to the sale of the consumer's personal information with any third parties" and • "The third party uses the information only for the purposes of identifying the consumer as an eligible member of the business' loyalty, rewards, premium features, discounts, or club card program. The third party may not retain or otherwise use or disclose the personal information." (Cal. Civ. Code § 1798.126(e)(2)).	• Ordered to second reading (8/12) • Ordered to third reading (8/13) • Read third time and amended; ordered to second reading (9/6) • Read second time; ordered to third reading (9/9) • **Ordered to inactive file; dead for this legislative session (9/12)**
Assembly Bill 873	• Amends definition of "personal information" as follows: "information that identifies, relates to, describes, *is reasonably* capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Personal information includes, but is not limited to, the following if it identifies, relates to, describes, *is reasonably* capable of being associated with, or could be reasonably	• **Approved by CA Assembly (5/22)** • **Referred to CA Senate Judiciary Committee (5/29)** • **Failed passage in Judiciary Committee -**

Bill	Amendment Summary	Status
	linked, directly or indirectly, with a particular consumer or household." (Cal. Civ. Code § 1798.140(o)(1)). • Amends definition of "deidentified" as follows: "information that does not identify and is not reasonably linkable, directly or indirectly, to a particular consumer, provided that the business makes no attempt to reidentify the information, and takes reasonable technical and administrative measures designed to: (1) Ensure that the data is deidentified. (2) Publicly commit to maintain and use the data in a deidentified form. (3) Contractually prohibit recipients of the data from trying to reidentify the data." (Cal Civ. Code § 1798.140(h)).	**Dead for this legislative Session (7/9)**
Assembly Bill 981	• Clarifies that the CCPA's deletion and opt-out of sale rights do not apply to the extent it is necessary to retain or share a consumer's personal information to complete an insurance transaction for a product or service (as defined in Section 791.02 of the California Insurance Code) that has been requested by the consumer. (Cal Civ. Code § 1798.145(g)). • Makes certain amendments to the California Insurance Code.	• **Approved by CA Assembly (5/22)** • **Referred to CA Senate Judiciary Committee and Senate Insurance Committee (5/29)** • **Insurance Committee failed to report bill to Senate Floor by 7/12 deadline – Dead for this legislative session**
Assembly Bill 1416	• Amends Section 1798.145(a)(1) of the CCPA to state that the obligations imposed by the CCPA shall not restrict a business's ability to: "comply	• **Approved by CA Assembly (5/29)**

Bill	Amendment Summary	Status
	with federal, state, or local **laws, or any rules or regulations adopted pursuant to and in furtherance of state or federal** laws." • Adds new Sections 1798.145(a)(5)-(6) to state that the obligations imposed by the CCPA shall not restrict a business's ability to undertake the following activities: "(5) Provide a consumer's personal information to a government agency solely for the purposes of carrying out a government program, including providing government services in furtherance of a government program, provided that all of the following requirements are met: (A) The business does not sell the personal information of a consumer who has opted out of the sale of the consumer's personal information for any purpose other than providing it to a government agency for purposes of, and in furtherance of, a government program. (B) The business does not retain the personal information of a consumer who has requested deletion of the consumer's personal information for any purpose other than providing it to a government agency for purposes of, and in furtherance of, a government program. (C) The government agency shall not further share or retain the information except for purposes of carrying out a government program. (6) Sell 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, provided that the business and the person shall not further sell that information for any other purpose."	• **Referred to CA Senate Judiciary Committee (6/12)** • **Hearing before CA Judiciary Committee cancelled at request of author – Dead for this legislative Session (7/9)**

Bill	Amendment Summary	Status
	• Specifies that the proposed amendments to Section 1798.145 of the CCPA would remain in effect only until January 1, 2024, after which a new Section 1798.145 would replace it, and proposes language for such new section. (Cal Civ. Code § 1798.145(l)).	