

Banking Operations & FinTech Update

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AG POSTS CCPA FAQs

On the heels of issuing the final regulations, the California Attorney General (AG) recently posted FAQs on the California Consumer Privacy Act (CCPA). The FAQs are intended to provide consumers general information on the CCPA and how a consumer could exercise his or her rights under the CCPA. For the most part, the FAQs repeat statutory requirements and say nothing particularly new. That said, here are some FAQs which contain some useful information for businesses.

FAQ A.7 – What can I do if I think a business violated the CCPA?

The AG reiterates that a consumer can only sue a business under the CCPA if there is a data breach, and even then only in limited circumstances. The AG is the sole entity that can file an action against a business for all other types of CCPA violations. Additionally a consumer seeking to pursue an action must first give a business written notice of which CCPA section(s) the business violated and give the business 30 days to respond. The AG said that a consumer cannot sue if the business is able to cure the violation and gives the consumer a written statement it has done so. (Thus, at a minimum, an institution should be prepared to provide a written statement of cure to a consumer in the event it is

subject to a data breach, which triggers the CCPA's civil liability provision. Civil Code Section 1798.150).

FAQ D.2 – Where can I find a business's notice at collection?

The AG also provides some examples of where consumers may find a business's CCPA Notice at Collection (NAC) in different settings. One example is a link to the NAC on a business's website's homepage and on its webpage where a consumer places an order or enters his or her personal information for another region. For mobile applications, the AG said that a consumer might find a link to the NAC in the settings menu. In a physical retail store, the NAC may be found on the printed form used to collect the consumer's personal information. Read another way, this could reflect where the AG expects businesses to place their NAC and the applicable links to it in different settings.

The FAQs are posted on the AG's website at <https://oag.ca.gov/privacy/ccpa>. Contact John Davis (JDavis@ABLAWYERS.COM) or Robert Olsen (ROlsen@ABLAWYERS.COM) with CCPA questions.



The Banking & Business Law Firm

www.ablawyers.com 949.474.1944

18500 Von Karman Ave., Suite 300, Irvine, California 92612

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