

empanel
ONLINE



CCPA

California Consumer Privacy Act

Compliance Brief



What Is the CCPA?

The CCPA is one of the most comprehensive data privacy laws in the United States. The CCPA primarily focuses on consumer rights regarding the collection and use of personal or private data. Under CCPA, all Californian residents can now exercise the right to ask for all the private data a company has stored. Additionally, the consumers could also demand the full list of all third parties with whom the company shares their personal data. The most subsequent change is the authority to sue the organization if the consumers find that the organization is violating the privacy guidelines put forth by the Californian government, even though there is no data breach.

Who Needs to Comply with CCPA?

The law applies to all for-profit entities collecting and processing personal information of California residents and are doing business within the State of California. The companies meeting three conditions defined under the 1798.145., need to comply with the CCPA. These conditions are

- *A business generating annual gross revenue over and above \$25 million*
- *A business sharing or receiving personal information of more than 50000 California residents annually, or*
- *A company deriving at least 50% of their annual revenue by selling private information of California residents*

Who is Protected under the CCPA?

The CCPA applies to all the “natural persons who are California residents”, further defined as

- *Any individual in California state for any purpose which is not transitory or temporary*
- *Any individual domiciled in the state of California but is currently or occasionally out of the state for temporary or for an ephemeral reason (Cal. Civ. Code § 1798.140(g)).*
- *All residents having California domicile, irrespective of where they are at present. Along with that, the law also states that it applies to both Businesses-to-Business (B2B) and Business-to-Consumers (B2C) companies.*

California is the fifth-largest economy in the world (just ahead of the United Kingdom) and has about 40 million residents.

What Happens if You Violate the CCPA?

- *The California Attorney General’s office is authorized to enforce penalties related to CCPA violations. The sanctions include civil monetary fines of up to \$2,500 for non-intentional violations and \$7,500 for intentional violation.*
- *As of now, the California AG’s office must provide a notice of alleged violation and allow the concerned business a timeframe of 30-days to clarify before issuing the fine.*
- *About 20% of the penalties collected through CCPA violations will be allocated to the newly formed “Consumer Privacy Fund”.*

Consumer Rights under the CCPA

Right to know what personal information the company collected, disclosed and sold

Under this right, the consumer can ask any company what kind of personal information it collects, publishes, uses, and sells. The consumer has a right to know the source from where the company has collected their private information, how they used it, and a list of third parties with whom they are sharing or selling their personal data.

Right to request the deletion of personal information

Under CCPA guidelines, consumers will have all the rights to take ownership of their personal information. They can directly ask the company collecting and processing their personal data to remove it. Upon receiving such a request, an organization must take all necessary steps to erase all the personal data belonging to the consumer. Nevertheless, under specific circumstances, the organization can decide whether to wipe or keep the information. As if to fulfill the purpose for which the organization collected the data in the first place. Else, to abide by the contract between the data subject and the business.

Right to opt-out of the sale of personal information

All California residents can exercise the right to opt-out of selling their personal data. However, to practice this right, the concerned organization must provide a “Do not sell my personal information” link on the homepage of its website. This link acts as a medium allowing consumers to opt for selling their personal information.

As per CCPA guidelines, a business is not allowed to sell the personal information of a consumer if she/he is under 16 years of age. However, if the consumer is between 13 to 16 years or below 13 years of age, then their parents or guardians have the right to either authorize or opt-out sale of information.

Right to non-discrimination for exercising their consumer privacy rights

The CCPA has a broader perspective in prohibiting businesses from giving non-discriminatory treatment to all the consumers exercising their privacy rights. In addition to that, the law prohibits organizations from charging a different price or providing various goods or services to consumers using their CCPA rights. Apart from that, the divergence is moderately related to the value provided to you by your data.

Is EMpanel Online Compliant? YES

EMpanel Online maintains compliance with ALL DATA PRIVACY LAWS in areas where respondents are recruited for research communities, including:

Country/Region	Legislation	Effective
US – ME	Act to Protect the Privacy of Online Customer Information	July 2020
US – CA	California Consumer Privacy Act (CCPA)	2020
US – NV	Nevada Senate Bill 220	2019
EUROPEAN UNION	General Data Protection Regulation 2016/679	2018
CHINA	Cybersecurity Law	2017
TAIWAN	Personal Data Protection Act	2015
AUSTRALIA	Privacy Principles (APP)	2014
BRAZIL	Brazilian Internet Act	2014
US – CA	California Online Privacy Protection Act (CalOPPA)	2004/2013
COLOMBIA	Regulatory Decree 1377	2013
HONG KONG	Personal Data Ordinance	2013
SINGAPORE	Personal Data Protection Act	2012
PHILIPPINES	Data Privacy Act	2012
INDIA	Information Technology Rules	2011
MEXICO	Protection of Personal Data Held by Private Parties	2010
RUSSIA	Regulations on Securing Personal Data being Processed in Personal Data Systems, No. 781	2007
RUSSIA	Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, No. 152-FZ	2006
CANADA	PIPEDA Act	2004
JAPAN	Protection of Personal Information, Act No. 57	2003
SOUTH AFRICA	Electronic Communications and Transactions Act No. 25	2002
SOUTH KOREA	Act on Promotion of Information and Communication Network Utilization and Information Protection	2002
INDIA	Information Technology Act	2000
AUSTRALIA	Commonwealth Privacy Amendment Act	2000
ARGENTINA	Argentina Personal Data Protection Act	2000
US	Children’s Online Privacy Protection Rule (COPPA)	1998
CHILE	Act on the Protection of Personal Data	1998
EU	Data Protection Directive	1998
US	Health Insurance Portability and Accountability Act (HIPAA)	1996
NEW ZEALAND	Privacy Act of 1993	1993
ISRAEL	Privacy Protection Act	1981
US	Privacy Act of 1974	1974