

PRIVACY



California retailers place a high priority on the relationship they have with their customers as the retail marketplace is very competitive and customers have many opportunities to choose when, how and where they shop. Customers are also savvy and willing to provide personal information in exchange for the products and services they expect and enjoy rewards programs that they opt-into.

California led the nation with the passage of the California Consumer Privacy Act, and while retailers support ensuring customers understand their privacy rights, over regulation or lack of clarity with regards to new polices hinder how retailers use information to serve their customers.

THE CALIFORNIA RETAILERS ASSOCIATION SUPPORTS PRIVACY POLICIES THAT:

PROVIDE TRANSPARENCY FOR CONSUMERS

- Consumers should be informed of the categories of personal data that businesses collect and how that data is used by them.

PRESERVE CUSTOMER SERVICES AND BENEFITS

- Policies that preserve the ability of consumers and businesses to voluntarily establish mutually beneficial business-customer relationships, including rewards and loyalty programs.

PROMOTE RESPONSIBILITY FOR CONDUCT

- Responsibility by businesses for their individual conduct. Policies should not expose businesses to liability for privacy violations by business partners, including contractors, franchises and other businesses.

STATUTORY OBLIGATIONS THAT APPLY TO ALL INDUSTRY SECTORS EQUALLY

- Businesses should not be forced to hold other businesses to their privacy obligations through contracts alone. All businesses that handle consumers' personal information should have direct privacy obligations under the law.

NO EXEMPTIONS FOR CERTAIN TYPES OF BUSINESSES OR INDUSTRIES

- For consumers to have the full protections of any privacy policy, every industry sector that handles consumers' personal information should have the same and equal obligation to protect consumers' privacy under the law.



CCPA VS CPRA: WHAT'S THE DIFFERENCE?

The California Consumer Privacy Act (CCPA) and the California Privacy Rights Act (CPRA), a ballot measure approved by California voters in November 2020, have a profound impact on California's privacy and data security landscape and were the first comprehensive consumer privacy legislation in the U.S.



CCPA AND CPRA – WHAT IS IT?

The **California Consumer Privacy Act** (CCPA), signed into law on June 28, 2018, created an array of consumer privacy rights and business obligations regarding the collection and sale of personal information. The CCPA went into effect Jan. 1, 2020.

The **California Privacy Rights Act** (CPRA), Proposition 24, was a ballot measure, approved by California voters on Nov. 3, 2020, that significantly amended and expanded the CCPA. It is sometimes referred to as “CCPA 2.0.”

WHEN DID THE CPRA TAKE EFFECT?

The CPRA took effect on Dec. 16, 2020, but most of the provisions revising the CCPA become “operative” Jan. 1, 2023.

DOES THE CPRA REPLACE THE CCPA?

Not exactly. The CPRA is more accurately described as an amendment of the CCPA. The CPRA specifically states it “amends” existing provisions of Title 1.81.5 of the California Civil Code (currently known as the CCPA) and “adds” new provisions (related to the establishment of the California Privacy Protection Agency).

WHO ENFORCES THE CCPA AND CPRA?

The CCPA gives the California Attorney General enforcement authority. Although the CPRA grants the California Privacy Protection Agency “full administrative power, authority and jurisdiction to implement and enforce” the CCPA, the Attorney General still retains enforcement powers. Cal. Civ. Code § 1798.199.90 provides that the California Privacy Protection Agency “may not limit the authority of the Attorney General to enforce this title.”

WHEN WILL ENFORCEMENT OF THE CPRA BEGIN?

Enforcement of the CPRA does not begin until July 1, 2023, and enforcement will apply only to violations occurring on or after that date, however, the CCPA's provisions remain in effect and enforceable until that date.

