CALIFORNIA CONSUMER PRIVACY ACT

10 STEP CHECKLIST

KEESAL YOUNG & LOGAN

Starting on January 1, 2020, California consumers will have powerful new rights to access and control the personal information that covered businesses collect about them. Here are 10 steps to help your business get ready.

1 **Does the CCPA apply to your business?**
Tackle this issue with legal counsel and people who know what information the business collects, uses and shares. The CCPA is surprisingly broad.

2 **Will the business provide CCPA rights to everyone, or just Californians?**
Determine whether the business will adopt a comprehensive or a state-by-state approach to privacy.

3 **Identify what information the business collects, why it is collected, how it is used, and whether it is sold to or shared with third parties.**
This is critical, and the job gets more complex if the business uses many different systems and has legacy data.

4 **Update privacy disclosures.**
The CCPA requires a number of disclosures. At or before the point of collection, businesses must inform consumers of the categories of personal information to be collected and the purposes for which it will be used. Businesses' on-line privacy policies and California-specific privacy policies also must describe CCPA rights and how to exercise them, inform consumers of the categories of information the business has collected about them in the last 12 months, and the information about them that the business has sold or disclosed for a business purpose.

5 **Implement processes to verify, track and respond to requests for access, disclosure, opt-out and deletion of personal information**.
At a minimum, businesses must establish a toll-free telephone number and web site address (if the business has a website) so consumers can submit requests for access and disclosure. Businesses that sell personal information also must provide a link on their internet home page titled "Do Not Sell My Personal Information."

6 **Respond to California consumers' verifiable requests for access, disclosure and deletion.** Businesses must respond to verifiable consumer requests for access and disclosure in writing, within 45 days. Consider using an automated workflow process to track and respond to consumer requests.

7 **Review loyalty programs so that consumers who exercise their CCPA rights are not treated differently or charged higher prices than others.**

8 **Update security practices and procedures.**
The CCPA allows for private civil suits in the event of a breach of unencrypted personal information due to the business's failure to implement and maintain reasonable security procedures and practices. Plaintiffs can recover statutory damages of $100-$750 per consumer per incident or actual damages, whichever is greater. According to the California Department of Justice, the 20 security controls in the "CIS Critical Security Controls for Effective Cyber Defense" are a floor for reasonable cybersecurity and data protection. (Pro tip: Encryption is a must.)

9 **Update contracts with vendors.**
Contracts should make clear that vendors are prohibited from selling personal information or using it for any purpose other than performing the services in the contract. Vendors should certify that they understand these restrictions.

10 **Train employees.**
Employees who are responsible for handling consumer inquiries about the business's privacy practices must be trained in the right to opt-out and must know how to direct consumers how they can exercise their right to opt-out of having their personal information sold.

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