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THE ABCS OF OPERATIONALIZING THE CCPA, BIPA, AND OTHER STATE DATA PRIVACY LAWS

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DISCUSSION POINTS

- The Evolving U.S. Landscape
  - CCPA
  - BIPA
  - "Similar" State Laws and Proposed Legislation
- Operationalizing Data Privacy Law Compliance
  - Follow Framework
  - Prepare for Enforcement

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CCPA Basics

(Understanding the Lay of the Land)

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WHAT INDIVIDUAL RIGHTS DOES THE CCPA CREATE?

Creates five new individual rights for Californians:

- the ***right to know*** what personal information is being collected, disclosed, and sold, and to whom;
- the ***right to access*** their personal information;
- the ***right to opt out*** of the sale of personal information;
- the ***right to delete*** their personal information; and
- the ***right to nondiscrimination***, to equal service and price, even if they exercise their privacy rights.

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WHO DOES THE CCPA SEEK TO PROTECT?

- **Consumers**: Broadly defined as any natural person who is a California resident.

- **California Resident:** Any individual who is:
  - "in the state of California for other than a temporary or transitory purpose;" or
  - "domiciled in the state" of California, but "outside of the state for a temporary or transitory purpose."

WHAT OBLIGATIONS DOES THE CCPA IMPOSE?

Imposes three general obligations upon businesses:

- The ***obligation to inform*** consumers of their rights;
- The ***obligation to respond*** to consumer requests; and
- The ***obligation of nondiscrimination***, subject to exceptions.

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