



DATA ETHICS AND PRIVACY

BRIEF



CALIFORNIA CONSUMER PRIVACY ACT – CLIENT FAQ

What is the California Consumer Privacy Act (CCPA)?

On June 28, 2018, California signed into law the California Consumer Privacy Act of 2018, which grants California consumers new rights regarding the collection and disclosure of information about them. The CCPA also imposes a number of obligations on companies doing business in California regarding the type of notice and choices that companies must give regarding the collection and disclosure of personal information. When the law goes into effect in January 1, 2020, it will effectively apply to companies that either: 1) have annual gross revenues of more than \$25 million; 2) have annually bought or received for commercial purposes personal information on 50,000 California residents; or 3) have derived 50% or more of their revenue from selling consumer information.

What are the key requirements of the CCPA?

Among other things, companies will be required to provide California residents with access to the categories of personal information collected about them, the specific pieces of personal information collected about them, and the types of companies with whom the personal information was shared. The CCPA also grants consumers a right to delete their information and a right to opt out of future data sales and sharing. Consumers will also have a limited private right to pursue actual or statutory damages in the event a company suffers a security breach that results in exfiltration, theft, or disclosure due to a failure to implement and maintain reasonable security procedures and practices.

Why was the CCPA drafted and passed so quickly?

The law was passed quickly in exchange for withdrawal of a California ballot initiative that covered similar provisions. The California legislature followed a process that precluded our industry and other stakeholders from being involved or offering amendments.

How does the CCPA impact Acxiom?

Just as we were ready with GDPR by the effective date, our Global Data Ethics team will ensure we comply with the provisions of the CCPA on or before January 1, 2020, the effective date of the law.

We believe in accountability, transparency, and consumer control, and we take an ethical approach to data collection and use that goes beyond what the law requires by also addressing what is just and fair for consumers. This puts us in a strong position to comply with new privacy requirements as they emerge. While we expect to make changes to our operations to comply CCPA, we are already well down the path of meeting requirements through our pioneering work with AboutTheData.com, the first online portal for providing consumers with access to data about them that can be used for marketing purposes.

How does the CCPA impact my ability to work with Acxiom on data-driven marketing programs?

We do not expect the CCPA to materially impact our ability to provide your company with the products and services your company uses today to support data-driven marketing programs.

How does the CCPA impact my ability to work with Acxiom on risk management and fraud prevention programs?

We do not expect CCPA to materially impact our risk management and fraud protection portfolio. However, since CCPA requires opt-in consent for data related to minors, we are reviewing the potential impact of the new law on our service for indicating the presence of minors in a household for auto insurance applications.

Does the CCPA require any changes to Acxiom contracts?

The CCPA requires covered entities to ensure their service providers only use the data according to the covered entity's instructions. Depending on the language in our contract with your company, we may need to modify our contracts to more fully comply with CCPA. We will work with your company on these changes well ahead of the January 1, 2020 effective date of CCPA.

What actions does Acxiom recommend to clients to comply with CCPA?

We recommend starting a process to assess the impact of the law on your operations immediately. As a threshold matter, determine whether your company is covered by the new law. Assuming it is, determine whether any of the statutory exemptions apply. For example, entities covered by HIPAA are generally exempt.

If your company is covered by the CCPA, start assembling the relevant stakeholders, (e.g., legal, privacy, marketing, operations), as soon as possible to discuss necessary changes. It may take significant lead time from now, until January 1, 2020, to properly identify and categorize the types of personal information your company collects and discloses. Implement technical controls to ensure compliance and leverage automation as much as possible for honoring consumer access, deletion, and opt-out requests.

Finally, stay abreast of ongoing developments related to CCPA. For example, the California Attorney General is required to provide guidance regarding compliance with opt-out requests and the development of a recognizable and uniform opt-out logo to promote consumer awareness. We recommend reviewing the proposed regulations when they are issued and providing feedback to the Attorney General as appropriate. We intend to develop and publish further guidance to help our clients to comply with the new law as we work on our own preparations.

Will there be changes to the CCPA before it is implemented?

It is possible small changes will be made to the the CCPA; mostly to correct drafting errors. It may be unrealistic to expect significant substantive changes. Where possible, we will get involved in discussions regarding potential alterations that would improve the ability of consumers to benefit from ethical uses of data and reduce compliance costs for businesses. Ultimately, we believe the best solution is federal privacy legislation that provides a national standard, protects all consumers equally, and supports innovation that drives our economy, lowers prices, and creates jobs.

