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CCPA PUBLIC HEARINGS

MODERATED BY STACY SCHESSER

MONDAY, DECEMBER 2, 2019

10:11 A.M.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY BUILDING

1001 I STREET

SACRAMENTO, CALIFORNIA 95814

(916) 323-2514

JOB NO.: 3609322

REPORTED BY:

GIGI CHAVEZ LASTRA, NOTARY PUBLIC

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A P P E A R A N C E S

LIST OF ATTENDEES:

STACY SCHESSER, SUPERVISING DEPUTY ATTORNEY GENERAL

MARK. S. VINELLA, TRAVIS CREDIT UNION

CHRIS ROSA, NONPROFIT ALLIANCE

MIKE BELOTE, CIVIL JUSTICE ASSOCIATION OF CALIFORNIA
(CJAC)

BRENT BLACKABY, CONFIDENTLY

ANTHONY STARK, ZOOMINFO

MARGARET GLADSTEIN, AMERICAN PROPERTY AND CASUALTY
INSURANCE CORPORATION (APCIA)

MAUREEN MAHONEY, CONSUMER REPORTS

HEATHER SMITH, 3FOLD COMMUNICATIONS

JARELLE COOK, CALIFORNIA MANUFACTURERS AND TECHNOLOGY
ASSOCIATION (CMTA)

DESIREE FOSNAUGH, MERCHANTS BANK OF COMMERCE

JUNE COLEMAN

JESSICA TASSIN

1 P R O C E E D I N G S

2 MS. SCHESSER: Good morning. I thank
3 you for being here. On behalf of the California
4 Department of Justice and Attorney General Xavier
5 Becerra, I would like to welcome everyone to today's
6 hearing regarding the proposed regulations for the
7 California Consumer Privacy Act.

8 My name is Stacy Schesser, with the
9 Privacy Unit of the Department's Consumer Law Section,
10 and I will be the hearing officer for today's
11 proceedings. Also present here today with me are:
12 Deputy Attorney General Huey Long; Special Assistant
13 to the Attorney General, Eleanor Blume; Senior
14 Assistant Attorney General, Nicklas Akers; Deputy
15 Attorney General, Lisa Kim; Privacy Specialist Joanne
16 McNabb; and Legislative Attorney Anthony Lew.

17 For the record, today is Monday,
18 December 2nd, 2019, and the time is 10:11 a.m. We are
19 at the Cal EPA Building, Coastal Room, located at 1001
20 I Street, Sacramento, California.

21 Before we begin, there are a few points
22 I would like to make. The notice of proposed of
23 rulemaking for the CCPA Regulations was published in
24 the California Regulatory Notice Register on August
25 11, 2019, and Register No. 41-C, starting at

1 page 1341. The notice and related rulemaking
2 documents were posted on the attorney general's
3 website on October 10th, 2019 and were mailed to all
4 interested parties who had requested rulemaking
5 notices. Today is the first of four public hearings
6 that were announced in this notice. The deadline for
7 submitting written comments is this Friday, December
8 6th, 2019 at 5:00 p.m. Pacific Time. We have recently
9 posted additional resources on our website about the
10 DOJ's CCPA rulemaking process, including two documents
11 in PDF format entitled, "Tips on Submitting Effective
12 Comments and Information about the Rulemaking
13 Process." Please visit www.oag.ca.gov/ccpa for
14 further information.

15 Today's public hearing is
16 quasi-legislative in nature and is being held pursuant
17 to the California Administrative Procedures Act. The
18 California Administrative Procedures Act specifies
19 that the purpose of this hearing is to receive public
20 comments pertaining to the proposed regulations. If
21 you are speaking today, we ask that you limit your
22 comments to the proposed regulations or the rulemaking
23 procedures that we are following. We do not intend to
24 answer questions or otherwise engage in dialogue in
25 response to any oral or written comment. However, we

1 may ask that you speak slower or louder, or ask a
2 limited follow-up question to clarify a point.

3 Today's hearing is being audio-recorded
4 and transcribed by a court reporter. The transcript
5 of the hearing and any written comments presented
6 during the hearing will be made part of the rulemaking
7 record. Please try your best to speak slowly and
8 clearly to help the court reporter create the best
9 possible record. If you have brought written comments
10 that you would like to submit during the hearing
11 today, please give them to a staff member at the
12 sign-in table.

13 After the public comment period ends,
14 the Department will review and consider all relevant
15 comments and recommendations provided at the public
16 hearings and in writing. The Department will then
17 compile a summary of each relevant comment or
18 recommendation and prepare a response to it, which
19 will be included in the Final Statement of Reasons.
20 Once the Final Statement of Reasons is complete, the
21 entire rulemaking record will be submitted to the
22 Office of Administrative Law and a copy of the Final
23 Statement of Reasons, along with a notification of any
24 changes made to the proposed regulations, will be
25 posted on the attorney general's website.

1 We are required to notify all persons
2 who provided a comment, and all those otherwise
3 interested of any revisions to the proposed
4 regulations, and any new material relied upon in
5 proposing these rules. Accordingly, there is a
6 check-in table located outside of this room where
7 speakers and attendees can sign in and provide their
8 contact information. You may sign in to speak without
9 providing your name or contact information. However,
10 please note that we will not then be able provide you
11 with any notice of revisions to the rules or other
12 rulemaking activities.

13 If you are intending to speak at
14 today's hearing, you should have received a number
15 when you signed in. When we call your number, please
16 come up to the microphone. And if you would like to
17 be identified, state and spell your full name and
18 identify the organization you represent, if any. If
19 you have a business card, please provide it to the
20 court reporter before approaching the microphone.
21 Each speaker will have five minutes to speak. To
22 assist the speaker, Deputy Attorney General Huey Long
23 will hold up a green card to alert the speaker when
24 they have only 30 seconds left to speak. In the
25 interest of time, if you agree with comments made by a

1 prior speaker, please state that fact, and add any new
2 information you feel is pertinent to the issue. Also,
3 there is no need to read aloud any written comments
4 submitted. All comments, whether written or oral,
5 will be responded to by our office. If we have any
6 remaining time after all the speakers have had a turn,
7 we will give the speakers the opportunity to take a
8 second turn and add to their remarks. If you would
9 like to make an oral comment today and have not yet
10 received a number, please go ahead outside to the
11 registration table and do so now.

12 Lastly, we will need to take breaks
13 during this proceeding, including at least a 30-minute
14 lunch break for our court reporter. If it appears
15 that we have no speakers waiting for their turn to
16 provide comments, we may end the hearing before the
17 lunch break.

18 At this time, can we please have the
19 first speaker come to the microphone.

20 MR. VINELLA: Good morning.

21 MS. SCHESSER: I'm sorry. Before you
22 speak, can you please make sure the green button is
23 lit on the microphone?

24 MR. VINELLA: It's flashing green and
25 red.

1 MS. SCHESSER: That's not good.

2 MR. VINELLA: It just went green.

3 Hello. Is that good?

4 COURT REPORTER: Yes. Thank you.

5 MR. VINELLA: Good morning. My name is
6 Mark Vinella, V-I-N-E-L-L-A. I am the Vice President
7 of Risk Management at Travis Credit Union, which
8 serves 210,000 members in a 12-county field of
9 membership here in northern California. I appreciate
10 the opportunity to provide comments on the proposed
11 regulations concerning the California Consumer Privacy
12 Act, or the CCPA. Travis Credit Union has a long
13 history of serving the members and consumers in our
14 field of membership. And as such, we do not oppose
15 the implementation of additional measures to secure
16 consumer privacy and confidentiality. However, I am
17 here today to urge those in attendance to consider the
18 inclusion of model forms and notices in the final
19 CCPA. The CCPA and proposed regulations creates
20 several notice requirements, including Notice at or
21 Before Collection, Notice of Right to Opt-Out, Notice
22 of Financial Incentives, Updated Privacy Notice --

23 COURT REPORTER: I can't hear you.

24 It's like it shut off.

25 MR. VINELLA: Is that better?

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COURT REPORTER: Yes.

MR. VINELLA: Notice at or Before
Collection, Notice of Right to Opt-Out, Notice of
Financial Incentives, Updated Privacy Notice, Requests
to Know, and Requests to Delete. The proposed
regulations require that the notices are easy to read
and understandable by the average consumer. However,
this is subjective and does not contemplate a method
or metric to assess readability. Further, it's
important to understand that credit unions expend
tremendous effort to interpret the requirements of new
and proposed regulations. As such, it is of great
value when the regulatory agencies provide model forms
and notices for our use. Model forms and notices
serve many purposes. For example, they ensure a
consistent consumer experience. They provide a safe
harbor for complying organizations against regulatory
criticism or legal action. They reduce the burden for
organizations --

COURT REPORTER: Off again.

MR. VINELLA: I don't think it's me.

MS. SCHESSER. Technology. Just hold
on one second.

MR. VINELLA: Can you hear me?

COURT REPORTER: Yes.

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1 MR. VINELLA: Okay. Let's hope this
2 one stays green. They reduce the burden for
3 organizations which would otherwise be required to
4 interpret the requirements of the regulation. And
5 they provide flexibility, as organizations may still
6 develop their own forms if they so choose. The best
7 example of model forms are the model privacy forms
8 required under GLBA at 12 CFR, 1016.2. I urge those
9 proposing the CCPA to understand the value of model
10 forms and notices, to include model forms and notices
11 in the final regulation. Thank you again for your
12 time today. I appreciate the opportunity to speak on
13 this important topic. Thank you.

14 MS. SCHESSER: Speaker number two?

15 MS. ROSA: Good morning. Chris Rosa.
16 My last name is spelled R-O-S-A. On behalf of the
17 Nonprofit Alliance. Thank you for the opportunity to
18 provide the philanthropic sector's perspective on the
19 draft regulations of the CCPA.

20 The members of the Nonprofit Alliance
21 take consumer data privacy very seriously. We believe
22 that consumers should be able to understand what
23 information is being collected, why and how it's being
24 used, and have the ability to opt-out of any use of
25 their information that they do not like. Nonprofit's

1 relationship with donors and beneficiaries are built
2 on trust, and it's the foundation of nonprofit work.
3 Nonprofit Alliance supports responsible regulations
4 that will give consumers accessibility and control.
5 In California, we want to ensure that the law does
6 what the authors intended it to do, and to enact a
7 balanced approach without unintended harm. To be
8 clear, the CCPA exempts nonprofits from the direct hit
9 of complying with the CCPA. The Nonprofit Alliance is
10 grateful to the legislature for this exemption, but it
11 does not, however, make us immune from its impact.

12 Because nonprofit organizations use
13 third-party data and outside data providers, costs to
14 reach new, individual donors and other supporters and
15 beneficiaries will increase. Access to reasonably
16 priced data is the utmost importance to the survival
17 of nonprofits, as it is the primary method with which
18 we connect to prospective donors, and is the
19 irreplaceable resource used to fulfill a charity's
20 programmatic mission. Without data being financially
21 accessible to nonprofits, the vitality of this sector
22 will be damaged in the State of California, as every
23 dollar more that nonprofits need to pay for data is a
24 dollar less that they're spending on their programs.
25 The cost impact to those who provide nonprofits their

1 much-needed data, including some of our commercial
2 members who serve as nonprofit clients, will increase.

3 These costs get passed down, even to
4 charities. According to the State Department of
5 Finance's report to the Department of Justice
6 conducted by Berkeley Economic Advising and Research,
7 the total cost of initial compliance with the CCPA,
8 which constitutes the vast majority of compliance
9 efforts, is approximately 55 billion dollars. This is
10 equivalent to approximately 1.8 percent of
11 California's Gross State Product in 2018. If the CCPA
12 is not well clarified and cleaned up by the attorney
13 general's office through meaningful regulations, the
14 impact will have a dramatic, negative effect on the
15 philanthropic sector across the country. Not only
16 does California represent 12 percent of the U.S.
17 population, but more importantly, 20 percent of the
18 philanthropic giving on an annual basis. Our
19 submitted written comments detail the suggested
20 changes to the draft regulations. Currently, the
21 related expenses and place restrictions will make it
22 untenable for many nonprofits to raise the funds
23 necessary to maintain and increase programs, the very
24 services that benefit the consumers that this law aims
25 to protect.

1 The Nonprofit Alliance is not looking
2 unravel or stop privacy regulation. Consumer privacy
3 is critically important. The Nonprofit Alliance is in
4 support of reasonable solutions to preserve the
5 critically important role nonprofits serve in the
6 local and global society. Thank you for your time and
7 interest in preserving the philanthropic community.

8 MR. BELOTE: Good morning, madam,
9 hearing officer. I am Mike Belote. That's spelled
10 B-E-L-O-T-E, speaking today for the Civil Justice
11 Association of California, sometimes referred to as
12 CJAC, a leading legal reform advocacy organization for
13 nearly a half century. I'd like to begin by thanking
14 you for the hard work in these regulations.
15 Throughout the conversations we've had since the
16 enactment of CCPA, I know how -- what a chore this has
17 been, given your ongoing responsibilities to the
18 department. We have several suggestions for
19 modifications on the language that does appear. And
20 one issue that we would like to see added to the
21 regulations to potentially head off legal liability
22 and litigation. Parenthetically, I think you may want
23 to take a look at the experience from the
24 implementation of GDPR, which apparently had quite a
25 shake-out period as covered entities were learning how

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1 to comply and answering some of the questions of the
2 complexity in Europe, and that may inform what happens
3 here.

4 Several things. First, proposed
5 Section 999.313(b) deals with the 45-day requirement
6 to respond to verifiable consumer requests. Frankly,
7 we would have preferred that the 45 days run from the
8 time that the consumer's request can be verified, but
9 the statute seems to limit it to 45 days from receipt.
10 I think that the regulations might be changed slightly
11 to clarify that a delay in verification -- a
12 reasonable delay in verification -- can support an
13 additional 45 days.

14 Second, Section 999.313(d). We
15 recommend that the regulations not treat unverified
16 requests to delete as opt-out requests. The CCPA, we
17 think, should be implemented as closely as possible to
18 the statute without inferring some sort of consumer
19 intent. The various rights and obligations under CCPA
20 are distinguishable, and we think that the right to
21 delete should not be conflated with the unverified
22 request to opt-out. So we think those should be
23 separated.

24 Third, Section 999.315(c), creates a
25 scheme where browser plug-ins and settings will be

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1 treated as opt-out requests. This is basically a
2 second way to opt-out, which is not supported by the
3 statute. But we think that there are technical
4 problems of interoperability with these browser
5 settings. The systems are just not there yet to
6 effectively message that to the business, so we would
7 like to stick with the statute in terms of opt-out
8 requests, and not have browser settings or plug-ins
9 automatically be treated as an opt-out request.

10 Fourth, Section 999.314(c) could
11 inadvertently, we think, prevent sharing with third-
12 party service providers. This is one of the most
13 complicated areas of the statute, where a business
14 otherwise covered by the thresholds in the law will be
15 covered as third-party service providers. But we
16 think it could inadvertently prevent sharing, even
17 where there is a legitimate business purpose and a
18 contractual obligation to share. So we think that
19 some work could be done on that subdivision.

20 Finally, in terms of an issue not
21 covered by the regulations, which we think might be,
22 and might head off litigation risk, is this issue of
23 cure. As the CCPA was being debated -- probably, in
24 my view, no more complicated and almost mysterious an
25 issue was what is this cure right? How does it work?

1 How does it prevent somebody from litigation
2 liability? And we noticed that the new initiative
3 suggested by Mr. McTaggart deals with cure, but the
4 statute is pretty silent on exactly how that is
5 supposed to work, and I think that the regulations
6 would be improved if you could turn to cure and build
7 some flesh on those bones to help businesses
8 understand when they have a potential violation, how
9 they can cure it. With that, we appreciate your time,
10 and again, I appreciate your hard work on these
11 regulations.

12 MR. BLACKABY: Good morning. My name
13 is Brent Blackaby, that's B-L-A-C-K-A-B-Y. I'm
14 offering this public comment as a California resident
15 who deeply cares about my own online privacy, as well
16 as cofounder of a new company called Confidently.
17 We're building products and services to help consumers
18 take full advantage of the new privacy rights they've
19 been granted here in California, and our aim is for
20 consumers, as they expressly demanded, to be able to
21 fully realize their rights to privacy.

22 First, I'd like to applaud, as the
23 other speakers have, the attorney general's office and
24 all of you for putting forth a comprehensive set of
25 regulations to guide the implementation of the CPPA.

1 Thanks to the CCPA and these regulations, consumers
2 will have powerful new rights to help them manage
3 their personal data and enhance their privacy.

4 Our own consumer research shows that
5 consumers are very interested in having the ability
6 to: 1) access their data, 2) to delete it, and, 3) to
7 instruct companies not to sell it. But they really
8 want to do these things not just with a handful of
9 businesses, but with all of the businesses who may
10 have some or all of their data, whether they are
11 customers or not. And that's potentially hundreds or
12 thousands of businesses. So I'm very optimistic that
13 the legislation and these regulations address the key
14 consumer concerns, but my biggest personal concern on
15 behalf of consumers is scalability itself.

16 Based on the recent experience from the
17 GDPR in Europe, most of the privacy officers that
18 we've talked to there report receiving a handful of
19 data access requests every week, even while they're
20 serving millions of consumers. We believe this is,
21 again, not because consumers don't want to, but
22 because the process is, in many respects, very arduous
23 and arcane. To your credit, you've taken a bunch of
24 steps forward to make it easier, but I think there
25 might be more room to go to make it even easier for

1 consumers to take this up. In the EU many of these
2 data requests are done in writing, e-mailing a
3 company's chief privacy officer who can then require
4 additional information as a back and forth. And the
5 reality is that one really has to persist and even use
6 legal counsel to assist them to be able to actually
7 complete just one data request. If you take this,
8 that's one episode. Compound this by the number of
9 requests a consumer would have to make to make
10 meaningful impact on their privacy; that could be
11 hundreds or hundreds of different requests. And
12 that's whether or not they are customers. You know,
13 they may be customers in several dozen places and have
14 hundreds of other companies, for instance, who have
15 their data where they're not even customers. So from
16 our observation, it is daunting for most consumers to
17 complete just one request, let alone the hundreds or
18 thousands necessary to secure their privacy.

19 So we believe the key to success for
20 the CCPA will be ensuring both the rigorous standards
21 needed for verification and authentication -- we
22 believe that's absolutely important -- as well as
23 making it easy enough for consumers to participate at
24 scale across their entire portfolio of digital
25 relationships. And ultimately, the success of the

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1 CCPA is going to be based upon that: Can consumers
2 take up their new rights at scale?

3 So fortunately, as we mentioned, the
4 CCPA has built on the GDPR shortcomings. For example,
5 there's definition of a global webform requirement for
6 making do not sell requests, which will go a long
7 ways. But delete and access requests may still be
8 very laborious, even for companies where consumers,
9 again, are not customers. They don't have a log-in.
10 They don't even have credentials to access their data.
11 So my comment focuses mostly on the question of this
12 accessibility. And so to that end we would suggest
13 further clarification of the regulations to make it
14 easier for consumers, on their own or through a
15 trusted third-party service that they designate, to
16 submit verifiable requests; especially, again, to
17 companies where they are not customers and the
18 standard for authentication or verification may not be
19 as high.

20 So specifically, with respect to
21 verification, and 999.323 or 999.325, especially
22 there, with respect to access or delete requests where
23 a user is not a customer, and is just trying to see
24 and potentially delete the prospect data that a
25 company may have collected on them. We suggest

1 developing a standard set of documentation, or a
2 standard set of variables for verifying requests. For
3 example, a scanned copy of a driver's license, a
4 utility bill, a full name, mailing address, phone and
5 e-mail address. This will make it easier for
6 consumers to access or delete their data with multiple
7 businesses where they are not customers, and do it in
8 a standard, verifiable way, rather than having to
9 figure out the unique requirements of each business.
10 Because consumers are not customers and do not have
11 accounts, we believe a reasonable degree of certainty
12 is the appropriate standard there, as there should not
13 usually be sensitive, personal information involved.

14 Additionally, we need to figure out how
15 this would work, but we could suggest putting some of
16 the onus for verification onto a consumer's agent. If
17 that can be empowered, to use third-party verification
18 services to make sure that Brent Blackaby actually is
19 Brent Blackaby and is submitting a legitimate request,
20 that could reduce the verification burden for both
21 businesses and consumers at scale. We'll submit other
22 comments to the record. Thank you very much for
23 drafting these regulations and thank you for allowing
24 me the opportunity to comment today.

25 MR. STARK: I think I'm number five,

1 right? Okay. Great. My name is Anthony Stark. I'm
2 general counsel for a company called ZoomInfo,
3 formerly known as DiscoverOrg. I'd like to thank the
4 attorney general and his staff for the opportunity to
5 speak today, and I'd also like to thank all of you for
6 the obvious, huge amount of work that you guys put
7 into the draft regulations. It's clear that they were
8 prepared with a great degree of care.

9 As a bit of background, ZoomInfo is a
10 company that seeks to profile business organizations
11 for business-to-business sales and marketing.
12 Essentially, you can think of us as a sort of white
13 pages for business contact information. And we
14 provide this information to our customers in order for
15 them to do outreach to other businesses, in order to
16 provide to critical products and services.

17 This is a huge part of the economy.
18 Approximately 26 trillion dollars every year is spent
19 by businesses buying services and goods from other
20 businesses. And about 8 trillion of that is initiated
21 by a cold outreach. So one business calls or e-mails
22 another business and is offering their services.
23 Extrapolating that to California's share of the GDP,
24 it means about a trillion dollars in business is done
25 every year in California based on businesses selling

1 and marketing to one another.

2 I'd also like to point out that our
3 data is used by nonprofits. There was a speaker
4 earlier who made a good point, which is that this
5 information is used for fundraising efforts as well.
6 I also want to point out that our business, with or
7 without the CCPA, has a policy of honoring opt-out
8 requests. So we do allow anybody who's in our
9 database to simply be removed upon request. And we
10 support the mission of the CCPA, generally, to improve
11 consumer privacy.

12 There are a few issues that I'd like to
13 discuss today. I want to start on a positive note and
14 express my support for the addition in Section
15 999.305(d). I think this is a crucial provision that
16 addresses a widely recognized ambiguity in the CCPA.
17 We appreciate that the clarification around
18 pre-collection notice and not requiring that in a
19 third-party context, which, as I'm sure you all
20 recognize, would be impossible.

21 As to the pre-sale notice options, we
22 do recommend adding a third option. In addition to
23 the direct notice to the consumers, we would like to
24 see the addition of the possibility of registering as
25 a data broker in combination with including the

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1 required information in a privacy policy. We think
2 that this may actually be more effective in allowing
3 consumers to exercise their rights because they will
4 be able to obtain the information that they need when
5 they need it. Notices are great, but we all know that
6 consumers are overwhelmed with information. Whether
7 that be e-mails or even direct mails, this information
8 can be lost. And if a consumer wants to exercise
9 their rights, it's much easier for them to be able to
10 go to a registry, find all the businesses that are
11 selling their data, and be able to opt-out from them
12 there, rather than have to filter through their e-mail
13 and try to find the e-mail notifications that they
14 received.

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15 Another clarification that we would
16 like in the statute is to clarify that businesses can
17 retain information for the purposes of complying with
18 CCPA, and for the purposes of honoring consumer
19 requests. This, I believe, is consistent with the
20 CPREA ballot measure that's been proposed,
21 specifically, Section 1798.105(c)(2) expressly
22 provides that lists can be retained for suppression.
23 Basically, the idea here is, if I have somebody in my
24 database and they request to be deleted, I need to be
25 able to remember that in the future. In case we

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1 discover their information again, we need to know not
2 to re-add them to our database. But right now, the
3 record keeping provision provides that the records are
4 solely to be kept for record keeping purposes and no
5 other purpose. We'd like that clarified; that those
6 records can be used for compliance with CCPA more
7 broadly.

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cont

8 I think there are a couple of places
9 where there are new obligations added in the
10 regulations that go beyond the statute. One of those
11 is in Section 999.312(f). It provides that a business
12 must provide consumers with directions on how to
13 submit requests to remedy deficiencies with their
14 requests. I don't believe that this is contemplated
15 by the statute, and it's very difficult as a business
16 to know under what circumstances we would need to
17 treat a request that is not an actual request, as a
18 request where we are required to give more notice.
19 The burdens on businesses to reply to requests are
20 already substantial, and this adds an extra layer of
21 uncertainty and cost.

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22 I think there are several places where
23 there are requirements to add additional disclosure
24 that I think, again, will not help consumers exercise
25 their rights. For example, there's a requirement that

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1 businesses explain how consumers can designate
2 authorized agents. I don't, myself, know how they
3 can, and so it would be difficult for us to include
4 that. In any case, we will definitely provide
5 detailed, written comments. So thank you for the
6 opportunity.

7 MS. GLADSTEIN: Good morning. My name
8 is Margaret Gladstein, G-L-A-D-S-T-E-I-N. I'm here on
9 behalf of the American Property and Casualty Insurance
10 Association. APCIA appreciates the opportunity to
11 provide feedback on the proposed CCPA Regulations.

12 APCIA is the largest national insurance
13 trade association, representing nearly 60 percent of
14 the U.S. property and casualty insurance market.
15 APCIA members include the broadest cross-section of
16 home, auto, and business insurers of all sizes,
17 structures, and regions. We will submit more
18 extensive written comments and --- comments that will
19 be submitted by the Cal Chamber, and the general
20 business community, but we wanted to identify a few
21 insurer-specific issues.

22 The proposed regulations demonstrate a
23 thoughtful and diligent effort to balance competing
24 concerns. For instance, the verification procedures
25 attempt to balance different security and fraud risks

1 to consumers. Also, the proposed regulations add some
2 clarity as it relates to the tracking law
3 expectations.

4 Unfortunately, however, there are many
5 areas of the proposed regulations that will create
6 consumer confusion rather than clarity, and meaningful
7 choice and transparency. For example, while well
8 intentioned, the multitude of consumer notifications
9 are contrary to the trend in consumer demand for
10 shorter, yet informative, notifications. Insurers
11 have experience in modernized privacy notice laws that
12 focus on presenting streamlined and comparable
13 notices. Comparable notices. The regulations propose
14 substantial operational obligations that, at times,
15 exceed what the CCPA requires with no appreciable
16 consumer benefit. The additional operational concerns
17 are heightened by the short time frame for
18 implementation. Insurers are fully engaged in
19 compliance efforts to meet the CCPA's January 1, 2020
20 effective date. Nevertheless, these regulations will
21 influence how the statutory requirements should be
22 implemented, and in some instances, they require
23 businesses to redo the efforts they have already
24 undertaken. A delayed effective date and statement of
25 prospective rules [ph] for enforcement is essential.

1 Alternatively, a tiered roll-out of the compliance
2 obligations would benefit businesses of all sizes.

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3 Various sections of the CCPA provide
4 consumers with the right to delete personal
5 information collected by a business. There are
6 numerous exceptions to this rule. But despite these
7 exceptions, the regulations still require a business
8 to respond to each deletion request. The proposed
9 regulations should exempt businesses that only collect
10 personal information covered by a deletion exemption.
11 Under the Right to Know rules, APCIA also believes it
12 is important to have a clear sentence consistent with
13 the CCPA that excludes insurers from disclosing
14 personal information obtained for fraud fighting
15 purposes.

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16 Further, the regulations suggest that a
17 company must indicate separately how each category of
18 personal information is going to be used. This
19 requirement is beyond statutory obligations and is
20 unworkable. An insurer cannot realistically create a
21 notice for each potential purpose that an individual
22 might call an insurer. These purposes are exhaustive
23 and include consumer initiated interactions, such as
24 reporting a claim, requesting information, asking for
25 a quote, changing a policy, and many more purposes.

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1 As proposed, the regulations do not
2 contemplate the wide variety of methods for
3 interacting with clients, including non-written means
4 of communication, such as telephone interactions.
5 APCIA recommends that the regulations clarify how to
6 address collections. Notice obligations for non-
7 written interactions in a meaningful way that will not
8 frustrate or complicate the consumer's experience.
9 Again, APCIA appreciates the opportunity to provide
10 comments and looks forward to working with the
11 attorney general and staff during the regulatory
12 process.

13 MS. MAHONEY: Thank you for the
14 opportunity to speak today. My name is Maureen
15 Mahoney, that's M-A-H-O-N-E-Y. I'm a policy analyst
16 in the Advocacy Division of Consumer Reports. It's an
17 independent, nonprofit member organization
18 representing six million consumers nationwide, and
19 advocating for strong consumer protections with
20 respect to privacy and technology policy as well as a
21 number of other subject areas.

22 The CCPA is ground-breaking
23 legislation, giving Californian's important new rights
24 to access, delete, and stop [ph] to settle their
25 personal information, in keeping with the right to

1 privacy in the California Constitution. And this
2 legislation is particularly important because the
3 federal government has failed to act to provide
4 consumers with basic privacy rights. The attorney
5 general's proposed rules to implement the CCPA are
6 thoughtfully directed, give companies clear guidance
7 for compliance, and will better enable consumers to
8 take advantage of their rights under the CCPA.

9 But there is room for improvement, and
10 today I will focus on one area in which the AG should
11 act now to rein in target advertising. The AG should
12 take decisive action to signal to adtech companies
13 that they must meaningfully comply with the CCPA,
14 particularly because the Interactive Advertising
15 Bureau has recently proposed guidance for compliance
16 with the CCPA that runs counter to the text and
17 certainly the spirit of the CCPA, including first, the
18 commercial data transfers between publishers and
19 adtech vendors on net sales. Again, the third-party
20 adtech vendors may be considered businesses collecting
21 information directly from consumers. And third, the
22 hundreds of unknown companies that may be considered
23 service providers of a publisher to show ads. And
24 under the guidance adtech companies do consider those
25 transfers a sale. They can still target ads based on

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1 information collected prior to the opt-out or
2 collected from other sites. And it's important to
3 address this because if consumers aren't able to opt-
4 out of target advertising, it will undermine one of
5 the main purposes of the CCPA.

6 For many consumers, behavioral
7 advertising is a serious abuse of their privacy. Not
8 only does the widespread collection of data involved
9 in these tracking practices leave consumers vulnerable
10 to data breaches or unintended release of this
11 information, but much of it is very sensitive and
12 reveals more about consumers than they might want to
13 share with others, such as information about their
14 health, their sexual preferences, and their political
15 activities. And it can also perpetuate historic
16 inequalities by facilitating differential pricing and
17 allowing companies to target job or housing offers to
18 members of only certain groups.

19 And finally, most people just don't
20 want their personal information sold to countless
21 strangers without their knowledge. And at the very
22 least, consumers should be able to opt-out of this.
23 -- attorney general should clarify that the transfer
24 of data between unrelated companies for any commercial
25 purpose falls under the definition of sale, so the

1 consumer can opt-out. Second, the attorney general
2 should clarify that only a company with which the
3 consumer is intending to interact is a business
4 collecting directly from the consumer. And third, the
5 regulation should state that when the consumer's
6 opted-out, data cannot be shared to target advertising
7 on another site or service, even with a service
8 provider.

9 And one final point. The attorney
10 general should also tighten the business purpose
11 exemption for service providers, given that companies
12 like Facebook have shared information with companies
13 such as Netflix and Spotify under the guise of a
14 service provider relationship that was much more than
15 what was intended. The AG should clarify that sharing
16 in spite of an opt-out instruction must be constrained
17 and proportionate and subject to potential
18 limitations. So thank you for the opportunity to
19 speak today. We appreciate the work that has been
20 done in these proposals and urge the AG to take
21 additional steps to make sure that consumers can
22 exercise their rights under this law.

23 MS. SMITH: Good morning. My name is
24 Heather Smith, and I'm the Media and Production
25 Manager at 3fold Communications, a marketing and

1 consulting agency headquartered here in Sacramento. I
2 also serve as the Lieutenant Governor of the American
3 Advertising Federation, AAF, club network. The AAF is
4 a trade association and has more than 200 local clubs
5 across the U.S. that represents nearly 40,000
6 advertising professionals.

7 AAF agrees with the CCPA's goals of
8 providing consumers with transparency and choices
9 regarding the personal information that businesses may
10 collect. However, certain provisions of the CCPA and
11 the current proposed regulations are unclear of those
12 burdens. It may be impossible for businesses to
13 overcome in their efforts to achieve compliance with
14 the law's terms as well as undermine consumer choice.
15 Entities such as 3fold that do business in California
16 would benefit from measure revisions to the proposed
17 rules that would enable them to provide consumers with
18 privacy protections while still maintaining their
19 ability to do business in the state, thereby
20 supporting the economy and employment rate of
21 California.

22 The proposed rules have introduced
23 several brand-new obligations that were not
24 contemplated by or expressed in the CCPA itself. With
25 the law's effective date of January 1, 2020, less than

1 a month away, imposing an entirely novel and
2 unprecedented requirements on companies at this time,
3 threatens the liability of businesses of all sizes,
4 proposes particularly harsh potential consequences for
5 small businesses, and unintended consequences for
6 consumers. I would like to raise once concern with
7 the proposed regulation. I note the AAF will file
8 more detailed comments in the near future.

9 The proposed regulations could obstruct
10 meaningful consumer choice by mandating that
11 businesses abide by a single browser opt-out
12 mechanism. That's something said that I quite
13 frequently hear today. The proposed regulations
14 introduce a new requirement for online businesses to
15 treat user-enabled privacy controls, such as a browser
16 plug-in or privacy setting, or other mechanism that
17 communicate or signal the consumer's choice to opt-out
18 of the sale of their personal information as a valid
19 request to opt-out. This is a significant new
20 obligation that was not included in the text of the
21 CCPA and could undermine consumer choice. Browser
22 opt-outs apply broadly across the entire Internet
23 ecosystem and do not give consumers the opportunity to
24 set granular choices about businesses that can and
25 cannot transfer personal information. These signals

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1 remove consumers' ability to make particularized
2 choices and maximize their participation in the data
3 economy. To protect consumer choice, we suggest that
4 the attorney general revise the rule so a business
5 engaged in the sale of PI has the option of honoring
6 browser settings or is not required to honor such
7 settings if the business includes a do not sell my
8 personal information link on its website, and offers
9 another mechanism or protocol for consumers to opt-out
10 of the sale of personal information. Many provisions
11 of the CCPA and the proposed regulations could
12 negatively affect consumers by decreasing the methods
13 available for them to exercise choice in the
14 marketplace. In addition, the CCPA is a ground-
15 breaking new law that imposes significant new
16 requirements on businesses that will take excessive
17 capital, time, and resources to implement. I just
18 spoke with our developer at the office before coming
19 here this morning, and he just shook his head,
20 thinking, "There's so much development, so many hours,
21 and is this really what 3fold needs to be spending
22 their money on at this time?" The AG should consider
23 the ways in which the CCPA and the proposed rules
24 could detrimentally impact businesses of all sizes as
25 it works to finalize the proposed rules. Thank you

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1 for the opportunity to testify today.

2 MS. SCHESSER: I've run out of our list
3 up here of speakers. If speaker number nine would
4 like to approach the microphone.

5 MR. COOK: Good morning. My name is
6 Jarelle Cook. I represent the California
7 Manufacturers and Technology Association. CMTA will
8 be submitting more detailed comments later this week,
9 but we appreciate the opportunity to comment here
10 today. We have a few -- or a couple -- issues that we
11 wanted to highlight today related to the Internet of
12 Things and connected devices, which is a serious issue
13 for the state's manufacturing community.

14 Manufacturers generally have concerns with the way
15 that CCPA may unintentionally be affecting this
16 expansive new market for manufacturing.

17 First, we'd like to highlight that we
18 appreciate the changes that the AG has taken with
19 regards to households and pre-collection notices. We
20 believe that the rules outlined -- do assist with some
21 of the concerns that we initially raised in our letter
22 earlier this year. With regards to household and the
23 definition in 999.301(h), we think that many of our
24 issues could be handled with further clarification;
25 that occupy has the same general meaning we see in

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1 other instances in the law of non-transient,
2 continuous residency in a household or a dwelling.

3 With regards to notice in 99.305(d),
4 pre-collection notices, we think that this is a
5 significant improvement in the regulations. We are
6 looking for consistency in how data is handled with
7 these pre-collection notices as it is handled in other
8 parts of the regulation. We'll be submitting more
9 detailed language as to how we believe we can address
10 this issue.

11 Manufacturers have a more serious
12 concern that I wanted to highlight today related to
13 the valuation of data as described in 999.307. We
14 know that the CCPA was generally geared towards
15 addressing issues with online businesses, services,
16 dealing with ads, and customer loyalty and rewards
17 programs with regards to contemplating rules for
18 value-to-customer data, consumer data. However,
19 manufacturers have serious concerns with how this may
20 apply to the Internet of Things, and especially with
21 the Industrial Internet of Things. We believe that
22 the attorney general should consider how data
23 valuation in the context of employers using that
24 information for generating logistics with regards to
25 their production and improving efficiency and employee

1 behavior will be impacted by the rules as proposed in
2 the current regulation. Again CMTA will be submitting
3 language that addresses some of these concerns and
4 thoughts that we have where the AG could improve this
5 and ensure that the Industrial Internet of Things
6 remains functional as well as not negatively impacting
7 the consumer of connected devices. Thank you.

8 MS. SCHESSER: If speaker ten is
9 present? It is now 10:58 a.m. We will go off the
10 record until there is someone present who would like
11 to make a comment. We will continue if there is
12 someone -- I'm sorry, we will go off the record until
13 someone would like to make a comment.

14 (Off the record)

15 MS. SCHESSER: It is now 11:11 a.m. We
16 are going back on the record. We do not have any
17 additional speakers who have signed up, but we are
18 going to give anyone the opportunity to come forward
19 to speak at the microphone, if you would like to line
20 up and provide an oral comment at this time.

21 MR. STARK: I wasn't sure if it was
22 okay because I already spoke, but I have a couple of
23 more points that I want to make, if that's alright.
24 This is Anthony Stark again on behalf of ZoomInfo.
25 And I'm speaker number five, just for reference. So I

1 just wanted to tick through a couple of places. I
2 think I left off -- I was mentioning that -- I think
3 there are a few places in the regulations where some
4 additional disclosures are being required that I think
5 go beyond what's required in the CCPA. The concern is
6 not with the ability to provide it, but more in that I
7 think it sort of adds to this -- to the consumer being
8 overwhelmed with information. Specifically, Section
9 999.313(a), it requires that in response to a consumer
10 request, the business is required to explain how the
11 business will process a request as well as describe
12 its verification process. I think this goes beyond
13 the CCPA. I think it's -- it seems to me that what
14 the statute requires is that we acknowledge the
15 request and that we process it in accordance with the
16 statute. It seems that providing additional
17 information about exactly how we're going to do that
18 and to describe in any level of detail our
19 verification process is not going to be helpful to the
20 consumers, and simply will make the notices and the
21 response communications more burdensome.

22 In Section 999.313(d)(4) provides that
23 a "...business shall specify the manner in which it
24 has deleted the personal information." I simply don't
25 know what that means. If we are required to delete

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1 the information, we will delete it, but I don't know
2 how to further describe the manner in which we will do
3 so.

4 Section 999.313(d)(5) provides that a
5 business shall disclose the fact that it maintains a
6 record of the request. Again, I think this is maybe a
7 situation where forms would be helpful, for example,
8 language, because I don't see the reason to provide
9 this information in the response. And again, it seems
10 like it will simply make it more cumbersome for the
11 consumers.

12 I also have a question about the
13 requirements that certain notices and policies be
14 accessible to persons with disabilities. I think that
15 there could be some clarification around exactly what
16 disabilities are being referred to here. There are
17 certainly many different kinds of disabilities and I'm
18 not sure -- it says that we must provide information
19 about how to access it in one alternative format, but
20 there's not guidance provided us to what an acceptable
21 alternative format is. I'm not sure if that's audio.
22 And it's also unclear to me that if, for example, the
23 disability being referenced is a visual impairment,
24 how to provide the information to let the person know
25 how to access an alternative format. As you can see,

1 there's kind of the chicken and the egg problem there.
2 One more point I wanted to make is with
3 regard to service providers. It was already addressed
4 by a gentleman earlier that the prohibition on service
5 providers using information in certain contexts
6 requires clarification because, as he pointed out,
7 there may be situations where it's perfectly
8 appropriate for somebody who is also a service
9 provider to have the information and be entitled to
10 use the information in other contexts. So I think
11 that requires clarification.

12 And secondly, I think -- perhaps more
13 importantly, there is a requirement for service
14 providers to respond to consumers who submit requests
15 with regard to information that the service provider
16 is holding on behalf of another business. And I think
17 that this is very dangerous because certain service
18 providers may not know or may be prevented from
19 knowing what information that they have on behalf of
20 other businesses. You may think of Cloud based IT
21 software; things such as Salesforce or other software,
22 where the business has a segregated instance where
23 they are housing personal information, but the actual
24 business that's providing that service doesn't have
25 the right to view the information that's being housed

1 there. So if Salesforce gets a request from a
2 consumer to delete their information, Salesforce
3 simply isn't going to know all of their customers that
4 have that person's information in their segregated
5 instances. And to require them to sort
6 of -- I mean, it would be a breach of security for
7 them to even try to figure out what information that
8 they have, so I think that's something that should be
9 clarified. So thank you again.

10 MR. BLACKABY: Hi. Speaker number
11 four. Again, Brent Blackaby, B-L-A-C-K-A-B-Y. I have
12 three additional, kind of, various -- in terms of the
13 consumer friendliness of the regulations. First, on
14 the delete requests. This is Section 999.312(d) as
15 well as 999.313(d)(7). In the spirit [ph] of a
16 partial delete, we suggest clarifying that consumers
17 have the right to ask a business to delete some but
18 not all of their data in the very first request that
19 they make. I think in the regulation it did then
20 suggest that businesses may respond to a delete
21 request with a clarification to ask that consumers
22 might just want to delete part of it. We're saying,
23 consumers should be able to make that request in the
24 very initial ask. For example, we believe that
25 consumers -- even with businesses where they do value

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1 that relationship and want to continue that
2 relationship -- consumers should be able to ask that
3 business to delete some of the most sensitive personal
4 information that the business may have collected while
5 retaining the rest that they think is appropriate. So
6 social security number, credit card number, something
7 else they feel particularly sensitive about. So we
8 suggest there should be a standardized format for this
9 request to be performed so a consumer doesn't need to
10 figure it out, the business doesn't need to figure it
11 out. This is, sort of, you know, part of the initial
12 request.

13 Agent authorization in 999.326. Again,
14 this goes back, I think, to what some other speakers
15 have outlined with some sort of standardized form that
16 is knowable from the beginning. We suggest defining a
17 standard, pre-approved document or process that will
18 enable agents to present their authorization from an
19 end user to improve confidence from businesses,
20 consumers and those agents that the authorizations are
21 valid. So it would be a standard, templatized
22 document signed by the consumer physically or with a
23 digital signature that authorizes that agent to make
24 delete, access, and do not sell requests on their
25 behalf. So they're just not shooting in the dark, but

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1 there's some agreed-upon format where that agency
2 could be put forth. In the case of businesses where a
3 consumer is not currently a customer of that business,
4 that authorization could be sent alongside. But as I
5 suggested in my earlier comment, the standard consumer
6 verification documents suggested before to facilitate
7 the receipt and processing of valid access and delete
8 requests at one time. We don't believe that in those
9 cases the consumer should have to reverify their
10 identity with the business again.

11 One final point. And this, again,
12 there is some questions around the user-enabled
13 privacy controls; 999.315(c). Again, we're developing
14 a web application to help consumers manage their
15 digital privacy at scale. While it will not be a
16 browser extension per se, it will be a subscription
17 service where consumers can clearly sign up and
18 demonstrate their intent for us to execute dozens of
19 do not sell, delete and access requests on their
20 behalf. This will be a technology product. It will
21 be accessed via the Internet, be it desktop or mobile
22 device, to act on the consumer's behalf as if the
23 consumer is making these requests directly to each end
24 business. So we assume that the product that we are
25 building would fit under that definition of

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1 user-enabled privacy controls. But we'd appreciate
2 any clarification under the regulations. Thanks
3 again.

4 MS. SCHESSER: If there are any other
5 speakers, please approach the microphone. And if not,
6 we will give five minutes and then likely conclude the
7 hearing.

8 MS. FOSNAUGH: I'm Desiree Fosnaugh.
9 I'm representing Merchants Bank of Commerce.

10 MS. SCHESSER: I'm sorry. Could you
11 speak up a little bit?

12 MS. FOSNAUGH: Representing Merchants
13 Bank of Commerce and, basically, consumer-end banking
14 as well as myself.

15 There's a little bit of confusion in
16 the banking world about how GLBA and the
17 CalFIPA requirements that we have to follow in banking
18 will affect consumers and their ---. Things can be
19 deleted that really can't be because we have to comply
20 with legal obligations, regulations, fraud, FDIC
21 insurance, or insurance in general for deposits and
22 things that we have to collect. And it's kind of
23 unclear in the regulations, that section of it where
24 it mentions GLBA, on what we do have to provide if --
25 or, if you could make it more clear. And also, I'd

1 like to also -- I think, speaker number one from
2 Travis indicated forms and model language. That is
3 hugely important in banking so we don't confuse
4 consumers on something that's really sensitive and
5 very personal as their finances; to understand what
6 they can and cannot ask us to delete, especially.
7 Because very little of it we can delete because so
8 much of it is included for various different reasons
9 within that. So model forms are very important. I
10 know that, you know, GLB has a form. The CalFIPA
11 provides the opt-out language. It would really,
12 really, really help consumers. I know, as myself, you
13 know, I'm in the business, and I understand those
14 things. Someone like my husband's not going to. He's
15 going to look at me, like, "What is this?" So you've
16 got to kind of keep those things, and -- consumers
17 don't read regulations like we do. And they don't
18 understand it, and they're going to get confused
19 because we're asking them -- or their asking for
20 something that we have to tell them, "No." So to the
21 extent that those things can be clarified for the
22 consumer as well as in banking because we want to
23 comply. Because, great, we all think it's great that
24 we're protecting the information.

25 And the last thing would be, further

1 defining selling information as it relates to when we
2 have to provide information and there's a small cost
3 benefit. And maybe put some more understanding of
4 what that actually entails. And so, I mean, I think
5 from the banking, kind of my banking friends that we
6 talk about, is we're not clear on what else is left of
7 the data that we do have that we would have to attempt
8 to delete, when everything that we do kind of needs to
9 happen. I mean, right down to an IP address -- that
10 the law enforcement, if they're interested in that
11 customer -- will want to know their IP address. So
12 like I say, we can't even delete those kinds of
13 things. Maybe a little bit further clarification on
14 how GLBA and CalFIPA fits into this whole business.
15 That's it. Thank you.

16 COURT REPORTER: May I get your name,
17 please?

18 MS. FOSNAUGH: Desiree
19 Fosnaugh. F-O-S-N-A-U-G-H.

20 COURT REPORTER: Thank you.

21 MS. COLEMAN: Good morning. My name is
22 June Coleman and I'm not here on behalf of anyone.
23 But I did have a couple of questions that I had when I
24 read the regulations and the CCPA. And one of them
25 is, that the CCPA contemplates providing the consumer

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1 with the various information that is gained from the
2 consumer about the consumer. That information is
3 broadly defined and would include such things as
4 recordings. So I think that many people in business
5 that record telephone conversations are curious about
6 whether the CCPA requires the actual recordings to be
7 sent to the consumer, and the technology involved in
8 that as well. It's more than just a letter with
9 various information on it.

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10 Another question I had was about people
11 who called in. They had no contact with the business.
12 Maybe the information about the business arises on
13 their credit report. And so they call in to the
14 company who credit-reported them, and the company that
15 credit-reported them would then capture the phone
16 number from which they called. And yet they haven't
17 received a pre-gathering notice of information that
18 could be gathered, because they didn't take any active
19 role in encouraging a communication. So I'm not sure
20 how the CCPA addresses that with respect to the notice
21 that must be given prior to gathering information. So
22 that's another question I have, if that makes sense to
23 everybody. That's all.

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24 MS. FOSNAUGH: Hi. This is Desiree
25 Fosnaugh again. One other thing that, when I read the

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1 regulations, that I think we need to consider. Being
2 in banking, we archive everything. We do it in
3 reports. We do it in lists. We do it in all kinds of
4 different ways. And the provision to actually delete
5 it from those types of records when they're archived,
6 it's almost like one-and-done. You'd put it there,
7 and if you need it, you go back to it. But it stays
8 there for the regulation period of time that you have
9 to keep it. Maybe some consideration on how, exactly,
10 we would be expected to delete from archived data.
11 Literally, I mean -- it's a check, it's a, you know, a
12 transaction, it's just a multitude of things for
13 however long we're supposed to keep it. And it's
14 usually lists, and you can't -- it's sort of, like,
15 PDF'd and saved, so you can't, like, go and line them
16 out. So just something -- maybe some little bit of
17 clarification on your -- on the archiving of data and
18 how we're expected to delete it if we have to delete
19 it. Because, it's just report after report after
20 report if you happen to meet the parameters for why a
21 report was actually generated. That's unclear to us
22 on how we would actually delete some -- delete the
23 information if we were found to have to. They told me
24 to come back here and tell you that.

25 MS. SCHESSER: We're going to give

1 folks present two more minutes to come up to the
2 microphone to provide a comment, and if not, we will
3 close this hearing early.

4 MS. TASSIN: Hi. My name's Jessica
5 Tassin. I'm not here on behalf of anyone. But I
6 think in considering the CCPA, one of our main
7 questions was just, ostensibly, there's more rigorous
8 standard for de-identification than was imposed under
9 HIPAA. And so information that was exempt from HIPAA
10 for having been de-identified is now within the
11 purview esteem [ph] of the CCPA. So it would just be
12 helpful, I think, to understand more specifically what
13 constitutes de-identification under the CCPA, and how
14 that is distinct from de-identification under HIPAA.

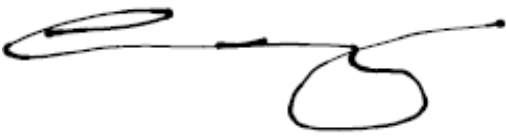
15 MS. SCHESSER: It is now 11:34 a.m. and
16 there are no more persons present to make any oral
17 comments. I hereby close this hearing on the proposed
18 California Consumer Privacy Act Regulations. The
19 written comment period ends on December 6th, 2019 at
20 5:00 p.m. Pacific Time. Written comments may also be
21 e-mailed to us at privacyregulations@doj.ca.gov. On
22 behalf of the Department of Justice, thank you for
23 participating in the rulemaking process.

24 (Whereupon, the meeting concluded at
25 11:34 a.m.)

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CERTIFICATE OF NOTARY PUBLIC

I, GIGI CHAVEZ LASTRA, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



GIGI CHAVEZ LASTRA,
Notary Public in and for the
State of California

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I, SANDRA J. EARLY, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Dated: December 10, 2019



SANDRA J. EARLY

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[interoperability - mean]

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[role - speakers]

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