

1 CALIFORNIA PRIVACY PROTECTION AGENCY BOARD

2
3 TRANSCRIPTION OF RECORDED PUBLIC MEETING

4
5 DECEMBER 16, 2022

6 SACRAMENTO, CALIFORNIA

7
8 Present: JENNIFER M. URBAN, Chairperson
9 LYDIA DE LA TORRE, Board Member
10 VINHCENT LE, Board Member
11 ALASTAIR MACTAGGART, Board Member
12 CHRIS THOMPSON, former Board Member
13 ANGELA SIERRA, former Board member
14 ASHKAN SOLTANI, Executive Director
15 PHILIP LAIRD, General Counsel
16 LISA KIM, Deputy Attorney General
17 MAUREEN MAHONEY, Deputy Director
18 KEVIN SABO, Moderator

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22 Transcribed by: David A. Boggs,
23 eScribers, LLC
24 Phoenix, Arizona

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1 screen. If you wish to speak on an item and you are
2 joining by phone, please press star 9 on the phone to
3 show the moderator that you are raising your hand.

4 Our moderator, Mr. Sabo, will call your name when it
5 is your turn and request that you unmute yourself at that
6 time. Those using the Webinar can use the unmute feature
7 and those dialing in by phone can press star 6 to unmute.
8 When your comment is completed, the moderator will mute
9 you. It is helpful if you identify yourself, but this is
10 voluntary and you can input a pseudonym when you log into
11 the meeting.

12 We also have a designated time on the agenda for
13 public comment, which is agenda item 9 today. As
14 mentioned as well, the Board welcomes public comment on
15 any individual item on the agenda. It is the Board's
16 intent to ask for public comment prior to the Board
17 voting on any agenda item. If, for some reason, I forget
18 to ask for public comment on an agenda item and you wish
19 to speak on the item, please let us know by using the
20 raise your hand function and Mr. Sabo will recognize you.
21 Please be aware that each speak again will be limited to
22 three minutes per agenda item for public comment.

23 Relatedly, I would like to remind everyone of the
24 rules of the road under Bagley-Keene. Both Board members
25 and members of the public may only discuss items that are

1 on the agenda for today when those items are up for
2 discussion. Items not on the agenda can be suggested for
3 discussion at future meetings when the Board takes up its
4 agenda item designated for that purpose, which is number
5 ten today.

6 We will take breaks as needed. We'll take one
7 between 11:00 a.m. and noon, depending where we are in
8 the agenda, but in there shorter breaks if needed. And
9 please note, as well, that the eleventh agenda item today
10 is a closed session item. So we have put the rest of the
11 business before that item, so the public can choose
12 whether or not to stay. When we get to the closed
13 session item, the Board will adjourn for a closed
14 session. We will keep this Zoom open and then when we
15 are finished with the closed session item, the Board will
16 return to the public meeting just to adjourn.

17 My many thanks to the Board members for their
18 service today and all the people working to make this
19 meeting possible. I would like to thank the team
20 supporting us today especially. Mr. Philip Laird is the
21 Agency's General Counsel and he's acting today as our
22 meeting counsel and also providing a presentation to us;
23 Mr. Ashkan Soltani, who is here in his capacity as our
24 Executive Director; and Ms. Maureen Mahoney, the Agency's
25 Deputy Director of Policy and Legislation, who has

1 prepared two agenda items for us.

2 I would like to express my gratitude, as always, to
3 the team from the Office of the Attorney General and
4 other agencies for continuing to support us, and our
5 moderator, Mr. Kevin Sabo.

6 Mr. Sabo, could you please conduct the roll call?

7 **MR. SABO:** Yes. Board Member De La Torre?

8 **MS. LYDIA DE LA TORRE:** Present.

9 **MR. SABO:** De La Torre is present. Board Member Le?

10 **MR. VINHCENT LE:** Present.

11 **MR. SABO:** Le is present. Board Member Mactaggart?

12 **MR. ALASTAIR MACTAGGART:** Here.

13 **MR. SABO:** Mactaggart present. Chair Urban?

14 **MS. URBAN:** Present.

15 **MR. SABO:** Urban present. With that, Madam Chair,
16 you have a quorum.

17 **MS. URBAN:** Thank you very much, Mr. Sabo. With
18 four members, the Board has established a quorum. I
19 would like to let Board members know that we will be
20 taking a roll call vote on any action item.

21 With that, we'll move to agenda item 2, which is the
22 chairperson's update. Thanks again to everyone for
23 joining us today. I have a fairly short update. I
24 mostly want to provide some reminders and updates
25 regarding Board meetings and business, and an overview of

1 how our schedule today fits into that. We've been
2 following a fairly intricate meeting schedule and I'm
3 hoping this will help orient everyone joining us today.

4 Our focus has remained on our two most immediate
5 tasks, which are building the Agency and completing our
6 first substantial rulemaking package. Regarding the
7 rulemaking, on October 28-29, the Board met, staff
8 presented modifications to an initial proposed rulemaking
9 package that went out in July, and the Board approved
10 those to go out for a fifteen day comment period. We
11 will have an update from the Executive Director on that
12 in just a bit, but it seems we're on track for staff to
13 have a full package incorporating the second round of
14 comments ready for discussion in the New Year, early in
15 the New Year.

16 With regard to building the Agency, we have been
17 steadily staffing up, building capacity for our
18 responsibilities, focusing first on rulemaking, now also
19 public awareness. I believe that there is work towards
20 hiring the Public Affairs Deputy. Soon, we'll be working
21 to build for enforcement and putting in place needed
22 practices and procedures.

23 We've been interspersing the rulemaking discussions
24 with these more administrative and structural tasks.
25 Today is largely a building the Agency administrative

1 meeting, with that plan to return to rulemaking in the
2 New Year. The Executive Director will give an update
3 on that work in the next agenda item. Today's meeting
4 topics are mostly items I previewed in September and
5 October with the expectation that we would take them up
6 this month.

7 First, we discussed kicking off the strategic
8 planning process. In October, I reported that the State
9 procurement process for a vendor was proceeding. Today's
10 update is that that process is ongoing. It is nearing
11 completion and we should be able to begin the process
12 once a vendor is in place. I hope, again, pretty early
13 in the New Year and I'm looking forward to that. My
14 thanks to Ms. Vongayi Chitambira, our Deputy Director of
15 Administration for overseeing that process.

16 Second, we discussed Board oversight of and input
17 into the yearly budget process and I greatly appreciated
18 the Board's thoughts and ideas there. As mentioned in
19 our previous discussion, I requested advice from counsel
20 and staff, who have put together a recommended plan for
21 this and have developed something that will be presented
22 by Mr. Laird during agenda item 5.

23 Third, Ms. Mahoney and staff have put together a
24 recommended process for regular updates on and
25 consideration of legislation, which we'll discuss under

1 agenda item 6. And Ms. Mahoney will also present staff's
2 recommendation for the Agency's appointments of the
3 Children's Data Protection Working Group under agenda
4 item 7. The Board will also, as I mentioned previously,
5 go into close session today and that will be to discuss
6 the Executive Director's annual review.

7 We do have one rulemaking item today, an item from
8 the new rules subcommittee on preliminary information
9 gathering activities related to a potential future
10 rulemaking package, which we'll take up as agenda item 8.

11 And, then, that is, sort of, we have a series of
12 specific things to work through to build our policies and
13 build the Agency, and in the new year, with the changes
14 in the Board, we will return to these in a sort of a
15 broader sense and talk about how we want to think about
16 structuring in the longer term.

17 So last, but most certainly not least, I have two
18 updates regarding the transition of two Board colleagues.
19 First, in our next agenda item, we will take up a
20 resolution honoring founding Board member Angela Sierra.

21 Second, I would like to ask Mr. Chris Thompson to
22 join us if he's here. I believe he was going to join us
23 today.

24 **MR. CHRIS THOMPSON:** Hello.

25 **MS. URBAN:** Mr. Thompson, welcome very much. We're

1 delighted to see you. I have the bittersweet
2 announcement that Mr. Thompson is resigning from the
3 Board as he's been appointed Chief of Staff for Los
4 Angeles Mayor-elect Karen Bass. Is she still mayor-
5 elect? When does she --

6 **MR. THOMPSON:** She is mayor now (indiscernible).

7 **MS. URBAN:** She's mayor now. I apologize to Mayor
8 Bass. So, Mr. Thompson has taken a position as her Chief
9 of Staff. We've been very fortunate to have Mr.
10 Thompson's expertise, his outlook, and his dedication on
11 the Board. As we've moved through start-up, development
12 and building stages, I have especially valued Mr.
13 Thompson's focus on building an agency with a strong
14 organizational foundation, including careful attention to
15 culture and values. I was very much looking forward to
16 your insight, Mr. Thompson, in the strategic planning
17 process and I regret that the timing is such that we will
18 just miss out on your input into that. And I've really
19 valued your evenhanded attention to all views in our
20 rulemaking and other work. But, I confess, I realize we
21 can hardly deny Los Angelinos a mayoral Chief of Staff
22 with your depth of experience and knowledge and political
23 thoughtfulness. So my deepest thanks to you, Mr.
24 Thompson, for your work on behalf of Californians through
25 the toughest stages of building the Agency. My very best

1 wishes to you in your new role. Is there anything you'd
2 like to say with no, you know, requirement at all?

3 **MR. THOMPSON:** Just thank you. Thank you, Chair
4 Urban. Thank you to all of our colleagues on the Board
5 who, you know, from March of 2021 until now, the work to
6 organize this agency, staff it up, promulgate rules, and
7 do all of that, you know, starting off with five of us
8 part time and, fortunately, we had you full time for a
9 period and some loan staff. The progress has been really
10 really heartening to watch and I'm proud of what we've
11 done together and I know that you all are going to
12 continue to do great things. I'm honored to have had the
13 opportunity to serve on this Board and to get to know and
14 serve with all of you. I regret that I'm not able to
15 continue, because it has been an incredible learning
16 experience. But I feel like, you know, we did the hard
17 part. So it's all smooth sailing from here. But, really
18 in all seriousness, to Board colleagues, to the Executive
19 Director Mr. Soltani, and the staff who've done an
20 incredible amount of work, both the diligence, the
21 competence, the work ethic that has been demonstrated
22 from top to bottom and side to side of this agency is
23 really something that we can be proud of, but I think
24 that Californians can be proud of. So, thank you for the
25 opportunity to serve with you all and I'm sorry that I

1 can't continue.

2 **MS. URBAN:** Thank you so much, Mr. Thompson. Are
3 there any comments or questions from Board members? Ms.
4 De La Torre?

5 **MS. DE LA TORRE:** Thank you. No, I just wanted to
6 briefly say that it's been, as the chairperson mentioned,
7 a pleasure to have Mr. Thompson. As we've asked, he has
8 contributed in so many different ways. I have personally
9 learned a lot from him and he will be missed and we are
10 sure that it's to the benefit of the people of Los
11 Angeles, but we will definitely miss his participation
12 and his input. Of course, we are very confident that the
13 Governor's office will appoint a new member that will be
14 a valuable addition to the Board. But, thank you so much
15 for your participation, Chris, and we will miss you.

16 **MS. URBAN:** Thank you, Ms. De La Torre. Mr. Le?

17 **MR. LE:** Yes, thank you. Yeah, I'll keep it short,
18 you know. You know, Mr. Thompson, it's been a pleasure
19 working with you on the outreach and education
20 subcommittee and through the hiring process and through
21 all the other Board meetings. You know, I think I join
22 the other Board members in saying, you know, definitely
23 we'll miss your experience and your humor. You know, I
24 definitely learned a lot about strategy and legislation
25 just talking to you on our subcommittee and, you know,

1 I'm sad I won't be able to continue doing that, but, you
2 know, I know that Los Angeles is in good hands, you know,
3 with you as Karen Bass' Chief of Staff. So, thank you
4 for your service.

5 **MS. URBAN:** Thank you, Mr. Le. Mr. Mactaggart?

6 **MR. MACTAGGART:** Mr. Thompson, I didn't get very
7 much chance to serve with you, but the little bit I did,
8 I have, was a real pleasure. And I will say, just
9 looking at your, the work here and then your work in the
10 past, that the mayor is lucky to have you leading her
11 office. I've heard tell that she's a good delegator, so
12 I know you're going to be having your hands full and, so,
13 you know, I'm eager to see what good work you can do in
14 the great city of Los Angeles. And I'm also, selfishly
15 from our perspective of privacy, I'm also please because,
16 obviously, the mayor has a huge megaphone in the state
17 and nationally and I know that the next time that there
18 is a threat from out east to Californians' privacy, I'm
19 sure I can we count on you to help out and get the, you
20 know, the half the state that's in California -- that's
21 in California -- that it's in Los Angeles mobilized to
22 help our representative in Congress understand what's
23 going on. So, anyway, thank you very much for all your
24 work and the best of luck in your new endeavor.

25 **MS. URBAN:** Thank you, Mr. Mactaggart. Mr. Soltani,

1 you have appeared. So, is that an indication that you
2 would like to speak before I take over?

3 **MR. ASHKAN SOLTANI:** I would.

4 **MS. URBAN:** Okay.

5 **MR. SOLTANI:** I would. I'd just like to also say I
6 share my thanks and I express my gratitude for Mr.
7 Thompson's work on the Board and his incredible guidance,
8 particularly around strategy and process. So, thank you
9 so much and I wish you all the best. As a fellow Los
10 Angeles, having grown up in Los Angeles, I'm quite
11 pleased that you'll be heading that up. So, thank you,
12 Chris.

13 **MS. URBAN:** Thank you, Mr. Soltani. Mr. Sabo, I'd
14 like to invite public comment at this time. Could you
15 let me know if anyone would like to comment?

16 **MR. SABO:** Yes. So, if you'd like to make a
17 comment, please raise your hand using the Zoom raise hand
18 feature or by pressing star 9 on your phone. Your name
19 will be called when it's your turn and you'll be invited
20 to unmute yourself. Those dialing in by phone can press
21 star 6 to unmute. You'll have three minutes to make your
22 comments. I'll give folks an opportunity to raise your
23 hand now if you would like to make a comment. Again, if
24 you'd like to make a comment, please raise your hand
25 using Zoom's raise hand feature or pressing star 9 if

1 you're dialing in by phone. Madam Chair, I am not seeing
2 any hands raised.

3 **MS. URBAN:** Okay. Thank you, Mr. Sabo. Thank you
4 very much for joining us today, Mr. Thompson. And with
5 our continued thanks to him, we will now move to agenda
6 item 3, which is a resolution to recognize distinguished
7 service by former, or excuse me, I would say, I will say,
8 we will put together a more formal acknowledgement for
9 Mr. Thompson in the future. And with that, we'll move to
10 agenda item 3, which is a resolution to recognize the
11 distinguished service by former Board member Angela
12 Sierra. And I would like everyone to turn their
13 attention to the materials for agenda item 3, which are
14 available on the website. I believe the Board has those
15 materials ready.

16 In our last meeting, the Board was able to offer its
17 initial thank you's to Ms. Thompson (sic) for her service
18 on the Board and I'm delighted that we now have the
19 opportunity to more formally recognize her service. I
20 believe Ms. Sierra is also joining us today. Thank you,
21 Ms. Sierra for joining us today. It's lovely to see you.

22 Ms. Sierra served as the Attorney General's
23 appointee until her appointment to the Racial Identity
24 Profiling Advisory Board. In her time on the Board, Ms.
25 Sierra brought her deep experience and knowledge of

1 consumer law enforcement and government service, her
2 generosity of spirit, and her gracious presence to the
3 work of building the Agency. I mentioned some of Ms.
4 Sierra's specific contributions last time, but a few
5 highlights include her foundational hiring work,
6 including on the appointments for the Executive Director
7 and General Counsel, her work on organizational
8 development and policy formation on the Start-up and
9 Administration Subcommittee, as well as her contribution
10 to the Agency's rulemaking work on the Update CCPA
11 Rules Subcommittee.

12 Today, I am pleased to present for the Board's
13 consideration the draft resolution honoring and
14 expressing appreciation to Ms. Sierra for her many
15 contributions. If the Board will now turn its attention
16 please to those materials for agenda item 3, you will
17 find the draft resolution. The resolution reads,
18 Resolution in Recognition and Appreciation of
19 Distinguished Service by Angela Sierra.

20 Whereas, Angela Sierra, as a founding member of the
21 California Privacy Protection Agency Board, through her
22 dedication and countless hours of work helped establish
23 the first authority with full administrative powers
24 focused on privacy and data protection in the United
25 States, creating a legacy that will benefit Californians

1 for decades to come.

2 And, whereas Ms. Sierra's decades of experience at
3 the California Department of Department of Justice
4 enabled her to provide indispensable advice to the Agency
5 Board and staff in creating the Agency.

6 And, whereas, Ms. Sierra worked closely with
7 multiple California state agencies and staff to help
8 establish the Agency's key functions.

9 And, whereas, Ms. Sierra helped shape proposed
10 California Consumer Privacy Act regulations that placed
11 consumers in the position to exercise meaningful control
12 over their personal information.

13 And, whereas, Ms. Sierra impressed everyone with
14 whom she worked with her wisdom, kindness, enthusiasm,
15 dedication, and commitment to public service.

16 And, whereas, Ms. Sierra consistently demonstrated
17 her professionalism, integrity and leadership, and has
18 been an essential asset to the Agency.

19 And, whereas, Ms. Sierra has begun a new role as a
20 member of the State of California's Racial and Identity
21 Profiling Advisory Board.

22 Therefore, be it resolved that we, her colleagues on
23 the Agency Board, extend our deepest appreciation for Ms.
24 Angela Sierra's service to the State and to the
25 protection of Californians' consumer privacy.

1 We look forward to continuing to work with Ms.
2 Sierra and benefiting from her wisdom and expertise in
3 the years to come.

4 Ms. Sierra, did you have any comments you would like
5 to make before we open it up for comment from the Board?

6 **MS. ANGELA SIERRA:** Yes, thank you, Chair Urban and
7 good morning everybody. Thank you so much for your kind
8 words and inviting me to join you today. It means a lot
9 to me. I just want to say just briefly it was such a
10 privilege and a pleasure to serve on the Board and to
11 work with all of you. You know, you just couldn't ask to
12 work with a more committed, smart, hardworking group of
13 people. So, it really meant a lot to me, both
14 professionally and personally.

15 Echoing Mr. Thompson's comments, I, too, am really
16 proud of the work that we accomplished as a team during
17 the first phase of building up the Agency, putting in the
18 initial building blocks for this important agency, and
19 getting to be part of the, you know, hiring such an
20 excellent leadership team and being part of working on
21 the initial draft regulations. So, you know, it's just
22 work that is so important for all Californians and it's
23 going to touch the lives of everybody in the state.

24 I'm going to be missing you, miss working with you
25 as a Board member, but I am hopeful that our paths will

1 continue to cross as I'm now with the California
2 Department of Justice. I've returned there. And I'm
3 just excited to see the great work that you're going to
4 be continuing to do as a Board.

5 I want to congratulate also former Board member, Mr.
6 Thompson. I'm very torn about this because I am from Los
7 Angeles. I live in Los Angeles. So, it's fantastic and
8 it's great for the city that he is going to be Chief of
9 Staff, but it's also a big loss for the Board. So, I'm
10 torn about that, but I do want to send my congratulations
11 to Mr. Thompson.

12 And, finally, I just want to wish everybody a happy
13 holiday and wish everybody, the Board and the staff, you
14 know, a very happy and healthy new year. So, thank you
15 again and it's just great to see everybody.

16 **MS. URBAN:** Thank you so much, Ms. Sierra. Are
17 there comments or questions from the Board? Yes, Ms. De
18 La Torre?

19 **MS. DE LA TORRE:** I just quickly wanted to thank
20 Chairman Urban for putting together this resolution.
21 There is not much more that needs to be said because I
22 think the words just stated the valuable contributions of
23 Member Sierra very very well. Member Sierra, you will be
24 missed. It was a pleasure to work with you and I do look
25 forward to opportunities to collaborate with you in the

1 future.

2 **MS. URBAN:** Thank you, Ms. De La Torre. Mr. Le?

3 **MR. LE:** Yes, you know, not much to add other than,
4 you know, to thank you for your service and, you know, I
5 definitely, you know, you were very much a moderating
6 voice in a lot of our discussions. You brought a lot of
7 experience and, you know, helped balance out competing
8 perspectives and, you know, I very appreciated your role
9 in doing that, in building the Agency. And I definitely,
10 as well, hope that our paths will cross again soon.

11 Thank you.

12 **MS. URBAN:** Thank you very much, Mr. Le. All right.
13 In that case, may I have a motion to adopt the resolution
14 in recognition and appreciation of distinguished service
15 by Angela Sierra?

16 **MS. DE LA TORRE:** I so move.

17 **MS. URBAN:** Thank you so much, Ms. De La Torre. Is
18 there a second to the motion?

19 **MR. LE:** I'll second.

20 **MS. URBAN:** Thank you very much, Mr. Le. Motion has
21 been moved by Ms. De La Torre and seconded by Mr. Le.
22 Mr. Sabo, may I ask you to call for public comment?

23 **MR. SABO:** Of course. At this time, if you'd like
24 to make a comment, please raise your hand using the Zoom
25 raise hand feature or by pressing star 9 on your phone.

1 Your name will be called when it's your turn and you'll
2 be invited to unmute yourself. Those dialing in by phone
3 can press star 6 to unmute yourself. You'll have three
4 minutes to make your comments. Again, if you'd like to
5 make a comment, please go ahead and raise your hand at
6 this time or press star 9 if you're joining us by phone
7 today. Madam Chair, it looks as though we do not have
8 any comments at this time.

9 **MS. URBAN:** Thank you very much, Mr. Sabo. With
10 that, then, would you please call the vote?

11 **MR. SABO:** Yes. So, the motion pending is to adopt
12 the resolution moved by Board member De La Torre and
13 seconded by Board member Le. Board member De La Torre?

14 **MS. DE LA TORRE:** Aye.

15 **MR. SABO:** De la Torre, aye. Board member Le?

16 **MR. LE:** Aye.

17 **MR. SABO:** Le, aye. Board member Mactaggart?

18 **MR. MACTAGGART:** Aye.

19 **MR. SABO:** Mactaggart, aye. Chair Urban?

20 **MS. URBAN:** Aye.

21 **MR. SABO:** Urban, aye. And the motion passes 4-0.

22 **MS. URBAN:** Thank you very much, Mr. Sabo, and thank
23 you members of the Board. The resolution is unanimously
24 adopted with a vote of 4-0. Thank you all again and
25 thank you very much, Ms. Sierra.

1 **MS. SIERRA:** Thank you.

2 **MS. URBAN:** Thank you for joining us today. We will
3 now move to agenda item 4, which is an update from our
4 Executive Director, Mr. Ashkan Soltani. He will be
5 providing us with a hiring update, an update on
6 scheduling for the current rulemaking, and a budget
7 update, any anything else that he wishes to update us on.
8 Mr. Soltani, whenever you're ready, I will turn it over
9 to you.

10 **MR. SOLTANI:** Thank you, Chair Urban, and thank
11 everyone for the opportunity to provide a brief update
12 today. As the Chair outlined, I'd like to touch on three
13 topics in my update: HR, rulemaking, and budget.

14 So, as I mentioned in my September update to the
15 Board, we've been staffing up steadily since the summer
16 and are nearly finished staffing the legal, policy and
17 admin teams. We're also in the process of reviewing
18 candidates for our CIO, Budget Manager, Attorney 5, and
19 Deputy of Public Affairs. We hope to have these hirings
20 completed in January and the DDPA, the Public Affairs
21 Deputy, as previously discussed, we are happy to bring to
22 the Board prior to confirmation of that position.

23 We're now in the process of finalizing recruitment
24 packages as well for the Assistant Chief Counsel, as well
25 as the Deputy Director of Enforcement, and we're planning

1 to post for these two positions in the coming weeks. We
2 anticipate the enforcement lead, the Deputy Director of
3 Enforcement, to be one of the more difficult recruitments
4 given the special relations required; specifically,
5 someone with management, administrative enforcement, and
6 privacy expertise. So, we really welcome the Board's
7 help in amplifying the listing and in getting it out to
8 the widest group of candidates possible once it's posted.

9 Moving on to regulations. First, an update on the
10 rulemaking process. So, in our last meeting on October
11 28 and 29, the Board directed some changes to the
12 modified proposed rules and approved the revised text to
13 go out for 15-day comment. Staff then prepared the
14 modified proposed rules in response to the comments and
15 invited that comment period, 15-day comment period, which
16 ended on Monday, November 21, that's actually slightly
17 longer than fifteen, but there was a holiday there, so we
18 wanted to give additional time. In response to those, we
19 received about 55 comment letters and approximately 450
20 pages, and these are all available on our website under
21 the regulations page.

22 Staff has completed its initial review of the 15-day
23 comment period and, sorry, 15-day comments, and are
24 working through everything more fully. This includes
25 preparing summaries and responses to all of the 45- and

1 15-day comments, as well as updates to the Statement of
2 Reasons that sets forth the necessity and policy reasons
3 for the modifications made to the original draft of the
4 regulations. As noted, comments are available for the
5 Board to review on the website and in binders for those
6 who requested them. Staff are also available to discuss
7 individually with Board members if there are comments
8 that come to mind.

9 Based on this stage of review, staff have informed
10 me that they don't anticipate needing to recommend to the
11 Board any further changes to the draft regulations. Of
12 course, this recommendation will need to come before the
13 Board and staff are still working to prepare their formal
14 recommendation for the Board to discuss and consider at
15 the next meeting. Staff also anticipates being able to
16 provide an updated Statement of Reasons, along with
17 proposed regulations for the Board to review in mid-
18 January with an eye towards a Board discussion meeting in
19 late January or the end of February. Staff will also be
20 prepared to discuss comments and responses to those
21 comments in advance or during that Board meeting.

22 Timeline-wise, and obviously contingent on the
23 Board's direction, at its earliest, staff believes it can
24 be ready to submit the final rulemaking package to OAL,
25 assuming no changes are made, in early to mid-February.

1 Once submitted, OAL will have thirty business days to
2 review, which is approximately forty-five calendar days,
3 meaning that, if approved, the soonest the regulations
4 could be in effect is in April. If OAL does not approve
5 the regs, we would then have an additional 120 days to
6 cure any deficiencies, including potentially revising the
7 regulations and going out for additional comment periods,
8 as necessary.

9 I just want to take a quick moment to thank the
10 staff for so carefully and efficiently reviewing the
11 comments we received, and really their tireless work.

12 Lastly, I want to provide an update on where we are
13 with the budget and the budget change proposal at a high
14 level. Our General Counsel, Phil Laird, will be
15 separately presenting a recommendation for a process for
16 oversight of the budget, so I'll just keep it around the
17 BCP now.

18 So, for the current year, '22-'23, as I mentioned in
19 my September budget update, our '22-'23 budget was
20 primarily focused on staffing of the Agency's legal,
21 admin, policy, and public awareness teams. The BCP
22 requested thirty-four positions initially and, as I've
23 laid out, we've made significant progress towards our
24 goal. There are still some positions that we haven't yet
25 staffed, such as the Head of Enforcement, the Chief

1 Auditor, and the bulk of the Public Affairs team, the
2 latter on account of wanting to first have the Public
3 Affairs Deputy in place.

4 Importantly, our expenditures are in line with our
5 projections and, given that we have a number of open
6 positions primarily in Public Affairs, we expect to have
7 a salary savings from the positions that are not yet
8 filled.

9 Moving on to fiscal year '23-'24, which begins July
10 1 of next year, we've submitted our proposed '23-'24
11 budget change proposal to Finance based on the
12 anticipated direction of the Agency as discussed in
13 previous Board meetings. Specifically, the fiscal year
14 '23-'24 BCP builds off our current year priorities of
15 rulemaking and public awareness, but begins to
16 incorporate our planned deliverables for the coming
17 fiscal year. Specifically, we requested staffing for the
18 enforcement team, which we will begin recruiting for
19 later this spring and summer after we've brought on the
20 Head of Enforcement. We've also requested additional
21 resources for IT in order to accommodate not only our
22 growing IT needs, including the development and support
23 of our Consumer Complaint System, as well as our
24 specialized ITN security needs to support enforcement.

25 Lastly, the fiscal year '23-'24 proposed budget

1 stays within our ten million dollar statutory allocation,
2 which has been increased by 2.5 percent to account for
3 cost of living adjustments.

4 I'll stop there. Thank you.

5 **MS. URBAN:** Thank you very much, Mr. Soltani. It is
6 the end of the year and I just want to take the
7 opportunity to thank the Executive Director and all the
8 staff, as he brought them onboard for this really
9 impressive work. If we think about where we were at the
10 end of last year, with Mr. Soltani and, I think, maybe
11 Ms. Chitambira has started possibly the same day last
12 year or a couple days before, and here this report now.
13 I think that we can all agree that it's just an
14 extraordinary difference.

15 With regards to hiring, thank you, Mr. Soltani, for,
16 you know, giving us the basics and helping us to
17 understand the plan behind the build-out. I just want to
18 point out that hiring is foundational to the Agency's
19 ability to do its work. It's very difficult to
20 accomplish on the timeline we need, given State process
21 requirements, which are important, but do add time. And
22 it is always difficult to hire well, to attract and match
23 the right people to the right jobs, to build a positive
24 culture. And, Executive Director Soltani, Deputy
25 Chitambira, the HR team they've developed and put

1 together have assembled just a really crackerjack group
2 of people and they continue apace. And the application
3 process continues to attract really qualified wonderful
4 candidates to, you know, our new agency, which hasn't had
5 a chance to establish a reputation as a place to work.
6 So this is a major accomplishment and I just wanted to
7 take a moment to recognize it.

8 Same for the rules. Of course, we're not taking
9 those up today, but, of course, we started that process
10 last fall. We've had a tremendous amount of public
11 input. We've had a tremendous amount of work on the
12 rules. They're complex. They're important. And, again,
13 it's on a very tight and aggressive timeline and I really
14 want to extend appreciation and kudos to the Executive
15 Director and to all the staff who I know have been
16 working intensely to continue to move us through that
17 process and I look forward to considering those again in
18 January.

19 And I appreciate the Executive Director's work on
20 the budget process and look forward to the discussion of
21 that in the next agenda item.

22 So, I just wanted to take a moment to pause and
23 highlight that the updates we get reflect a really
24 tremendous series of accomplishments. So, thank you, Mr.
25 Soltani.

1 Are there comments or questions from members of the
2 Board? Ms. De La Torre? Excuse me.

3 **MS. DE LA TORRE:** Thank you. I just have a quick
4 question. In terms of the appointment of the Chief
5 Privacy Auditor, where are we and what are the plans? I
6 heard all the titles, but I don't think I heard that one
7 mentioned.

8 **MS. URBAN:** Thank you. Mr. Soltani?

9 **MR. SOLTANI:** Sure. Sorry if I was unclear. I did
10 bring up that the Chief Privacy Auditor has not yet been
11 filled, along with the Deputy Director of Enforcement.
12 We have not made plans yet to bring in the auditor as our
13 audit function only begins after our enforcement
14 function. So, we're prioritizing bringing in our ACC and
15 our Head of Enforcement, and then we will begin
16 considering building up the enforcement team and then the
17 auditor and their respective support teams. Does that
18 answer your question?

19 **MS. DE LA TORRE:** Just for (indiscernible), I know
20 that we can comment in the system a moving target, but
21 are we thinking like late next year will be a time where
22 we will have that appointment made or (indiscernible)?

23 **MR. LAIRD:** Can I answer that question?

24 **MR. SOLTANI:** Yeah, you know, we've been, I think it
25 will depend on when we think our enforcement processes

1 will begin. I think the rules will also need to be in
2 place as we consider the process for which we undertake
3 audits. So, we were kind of waiting to sequence that
4 out, take the Board's guidance, and then start recruiting
5 for that position as well.

6 **MS. DE LA TORRE:** So, perhaps, sometime next year
7 would be a better prediction?

8 **MR. SOLTANI:** For sure next year. I don't quite
9 have a sense for when in the year. They are currently in
10 the BCP, so we could begin as soon as we like, but,
11 again, our function, our audit function, doesn't really
12 begin until at least July at the earliest.

13 **MS. DE LA TORRE:** Thank you.

14 **MS. URBAN:** Thank you, Ms. De La Torre. Other
15 questions, comments from the Board? Mr. Mactaggart?

16 **MR. MACTAGGART:** Well, I, you know, joined late, so
17 I only saw a little bit of it, but I would like to also
18 add my vote of thanks and, just as an outside observer
19 for most of the year, was really impressed with the work
20 that not just you, Mr. Executive Director, but the whole
21 Board did. So, congratulations to everybody.

22 I just wanted to drill down a little bit, Mr.
23 Soltani, on the timing of the regs here. Is there
24 anything, you know, if it's "just" a meeting to approve
25 recommendation, to not make any changes, you know, I'm

1 just, I got here in April and I'm wondering what's the
2 earliest we can get those implemented and get some
3 certainty out to the community? I'm just wondering could
4 we have a meeting in early January to, you know, is that
5 a possibility? Is there anything statutory saying it has
6 to be the end of January? I mean, are there any
7 statutory deadlines saying we can't have it before, you
8 know, the normal two-week notice period? I'm just, I
9 just think that time is the enemy here and we should, you
10 know, be moving things. That's the first question.

11 The second question, you can also maybe add at the
12 same time is when OAL rejects or approves, is there a way
13 to submit -- is it always the same -- and this might be a
14 question for Mr. Laird, but can we submit in such a way
15 that we say, look, if you don't approve, you know, this
16 regulation, can you at least approve all the other ones?
17 Because, you know, or is it just all or nothing? Sort of,
18 can you sever the offending regulation if it comes to
19 that? So, timing and then just, because I just think
20 urgency, you know. It's urgent that we get this stuff
21 out to the community as soon as possible.

22 **MR. SOLTANI:** Thank you. Why don't I take the first
23 one and, Phil, if you'd like to take the second one? ON
24 that first point, you know, we are still in the process
25 of reviewing the 15-day comments to make sure that no

1 changes are necessary, or to ascertain whether changes
2 are necessary. In fact, we're in the process of
3 completing that and then preparing the materials for the
4 Board to review. You know, we surely can schedule a
5 meeting as soon as the Board would like, but we wanted to
6 also give time for not only staff to prepare those
7 materials for the Board's review, but also provide time
8 for the Board to review those materials. And I worry a
9 little bit that we may need to schedule this for another
10 discussion, but I'll kick off whether we can, you know,
11 how far we can discuss this, Phil, during my update and,
12 then, if you'd like to take the second question as well.

13 **MR. PHILIP LAIRD:** Sure. So, thank you all. First
14 of all, good morning to the Board. Answering Mr.
15 Mactaggart's question first, historically, the Office of
16 Administrative Law has allowed the practice in certain
17 instances to, I think as you described, sever certain
18 problematic regulatory provisions. However, that can
19 really be a on a case-by-case basis, especially depending
20 on how interrelated certain regulations are. For
21 instance, eliminating one regulation could sort of alter
22 the interpretation or understanding of other regulations.
23 But that said, there has been the practice before where
24 the Office of Administrative Law has handled that or has
25 allowed for that. So, certainly, depending on the

1 direction of the Board at that future meeting when we do
2 discuss this substantively, if there is direction to sort
3 of pursue that option if it becomes available, that is
4 something that would be possible.

5 **MS. URBAN:** Thank you, Mr. Soltani and Mr. Laird.
6 To Mr. Mactaggart's very well-taken concern about
7 balancing thoroughness with speed, I do encourage all my
8 fellow Board members to take the opportunity now, you
9 know, to go through the comments as we have them and be
10 ready for the other materials from staff as they get them
11 to us. I know they've been working really tirelessly to
12 get everything together in a form that is thorough and
13 careful and available to us to review and time for us to
14 look at it. So, there is material now and I agree with
15 Mr. Mactaggart, all possible -- what is the term? All
16 judicious haste or something -- and that will help us be
17 efficient.

18 Mr. Mactaggart, you raised your hand again?

19 **MR. MACTAGGART:** Yeah. So, I'm not really sure that
20 I understood, Mr. Soltani. I mean, if it's a question
21 of, okay, in an ideal world, the Board would go through
22 these comments. I mean, you said there were fifty-five
23 comments and how many pages?

24 **MR. SOLTANI:** Something like 500 pages, if I
25 remember correctly. No, it's not that we expect the

1 Board to go through necessarily all of staff's responses
2 to comments, but we did want to provide both staff the
3 ability and the Board the ability to review those, take
4 time to review those comments and then our justification
5 for not making those changes.

6 Now, we can follow any process the Board prefers to
7 follow, but, you know, I think we wanted to make sure,
8 because previously, you know, we, it will be a lot of
9 material to review. But, you know, it's really up to the
10 Board on that process. I will also add we do have that
11 ten-day period. So, the soonest we could schedule a
12 meeting is ten days from now, which is into the holidays
13 and, so, we just want to kind of also be mindful of that.

14 **MR. MACTAGGART:** I thought I heard that you said
15 that the staff had completed their preliminary review?
16 And I'm just wondering like if they have, if that's
17 something that's, you know, maybe it needs a little bit
18 of cleaning up, but if it's ready to share and,
19 obviously, it becomes a public document at that point, I
20 mean, when I heard end of January, early February, it
21 feels like we're losing a month. And, of course, I'm not
22 suggesting we have something on December 31 or anything,
23 but, you know, that first week of January, I'm just
24 wondering if there's a preliminary review available now,
25 and I'm putting words in your mouth, so forgive me. I

1 don't mean to, but it feels like you're saying that the
2 lion's share of the work of the review has been done.
3 Then, is it possible that we could, you know, gain three
4 to four weeks if we had something that first week of
5 January?

6 **MR. SOLTANI:** I don't want speak out of turn. So,
7 I'll defer to Phil and Lisa as to what we could have
8 available. I think it will depend on what the Board
9 would like to see. The materials right now are in kind
10 of what I consider internal form, which is our
11 spreadsheets and charts that have indicated what the
12 comments are, trying to summarize them, and starting to
13 put together what our kind of policy or, you know,
14 whether there's a statutory need to make those changes,
15 and that's what we have. I don't think it's at a point
16 where it's ready and it will probably take a couple weeks
17 to get ready, but I don't want to -- but it also may
18 depend on kind of the thoroughness with which the Board
19 wants to see, for example, those responses. We had
20 thought the updated ISOR, which is the narrative portion,
21 which describes all of the changes and why there were
22 made, etcetera, would be the most beneficial for the
23 Board in making a determination on the proposed rules,
24 but we're also happy to take the Board's input on what
25 they like to see. Different boards have different

1 practices with regards to what they'd like to see and,
2 you know, in this process.

3 **MS. URBAN:** Thank you, Mr. Soltani. I'd like to
4 give Ms. De La Torre an opportunity. She's had her hand
5 up for a little while.

6 **MR. SOLTANI:** You're on mute --

7 **MS. URBAN:** You're on mute, Ms. De La Torre.

8 **MS. DE LA TORRE:** Thank you. Just quickly, I
9 appreciate the conversation. I agree with the need of
10 haste. I also agree with the need of thoroughness on the
11 side of the Agency. I just wanted to mention that I am
12 assuming that if the package that is presented is
13 presented in a format that might go to OAL; that means
14 it will with an FSOR and that will be a very
15 potentially, you know, time consuming document for me
16 personally to kind of get through. So, if we could get
17 that at least with ten days in advance, if not more, it
18 will be helpful, even though I understand that it might
19 add a few days to our meeting day. I think it will be
20 valuable to give the Board the time to actually
21 generally go through the FSOR and kind of compare with
22 the changes so that we can be more informed when we come
23 to the board meeting. So, thank you for taking the
24 update and just please consider that possibility of
25 giving us the FSOR with enough time.

1 **MS. URBAN:** Thank you, Ms. De La Torre. And I had
2 to ask about this. It seems that the updated ISOR, that
3 is the substance material. It's not called an FSOR until
4 when? So, Ms. De La Torre and I both went to rules
5 school and don't remember. So I was confused. But it
6 that is the substance of the (indiscernible), right?

7 **MR. SOLTANI:** Yeah. What I was saying --

8 **MS. URBAN:** -- as I understand it.

9 **MR. SOLTANI:** That's right. What I was saying the
10 updated ISOR, it's effectively the narrative portion of
11 the FSOR, which the Board will review, which includes,
12 you know, the policy reasonings and the justifications
13 for changes or not making changes. So, Lisa, I don't
14 know if you want to add anything and correct me as I'm
15 not, you know, as --

16 **MR. LAIRD:** Yeah. Happy to just add that I think
17 everybody's essentially saying the same thing and are
18 correct here. The final statement of reasons is a very
19 lengthy document that has a lot of required elements.
20 One of those required elements is the update to the
21 initial statement of reasons that Mr. Soltani has been
22 referring to, which, again, is that narrative portion,
23 the necessity for all the changes appearing in the final
24 version of the regulations. In addition, there's other
25 requirements. For instance, a finding of whether or not

1 the regulations impose a local mandate, as well as the
2 summary of public comments and response to those
3 comments. So, the portion Mr. Soltani is sort of
4 focusing on is sort of the core narrative explanation of
5 why the Agency would be choosing to adopt these
6 regulations.

7 **MR. SOLTANI:** And if I can, before I leave, I'll
8 just flag as background the DOJ's package for their
9 rulemaking. This package, if you'll recall, was on the
10 order of 500 or so pages, which included the narrative
11 portion, as well as all the summaries and such.

12 **MS. URBAN:** Thank you. Ms. Kim?

13 **MS. LISA KIM:** I just wanted to also add to address
14 Mr. Mactaggart's concerns. I don't believe we will be
15 losing time necessarily because this whole time period in
16 which we're working, we're preparing all the summaries,
17 all the responses, everything in picture, the entire
18 package to be ready to go when the Board makes their
19 decision. Regardless of whether the Board decides to
20 modify further or just take the final regulations as they
21 are, we still have to prepare those materials. And, so,
22 that's what we're diligently working on and we anticipate
23 being done with all that we need to be done with, if the
24 Board were to approve the regulations as is, by end of
25 January, early February. That would be like the earliest

1 we could prepare the entire package. So, we're hoping
2 that, you know, whatever meeting, whatever we're able to
3 provide to the Board by mid-January, it's really the
4 quickest that we can get everything together.

5 **MS. URBAN:** Okay.

6 **MR. SOLTANI:** Can I clarify that? So, there is
7 everything that is still laid out, like the mandate and
8 additional documentations that we need to get in picture,
9 you know, in photo-ready form and staff believes we can
10 get that ready by the end of January, beginning of
11 February. We had hoped to provide the core, kind of the
12 updated ISOR and be available for discussions around the
13 comments in mid-January. So, that would give the Board
14 time to review what are the essential materials in
15 advance of that final package being ready at the end of
16 January, at which point, the Board can take a decision
17 and, if the Board agrees with staff's recommendation, it
18 would take just a few days, maybe a week, to take any
19 additional final touches and get that over to OAL. So --

20 **MS. URBAN:** But we wouldn't have to wait have the
21 Board meeting for that final, the very final like
22 polished bit --

23 **MR. SOLTANI:** A polished version of it?

24 **MS. URBAN:** -- polished entire thing, which will take
25 by itself until the end of January or early February.

1 Then it would be two weeks later for the Board meeting.
2 With this proposed schedule or what the staff is
3 proposing would get the Board materials that are
4 necessary and have a discussion two weeks prior to that.

5 **MS. URBAN:** Okay.

6 **MR. SOLTANI:** Indeed. And it allows for one
7 additional step, if I may, which is we expect that even
8 in, you know, photo-ready by, you know, the end of
9 January, there might be small, you know, typos,
10 punctuation corrections, that we'll still need to make.
11 So we think this process allows, again, the Board to
12 review the core substance, then meet in the end of
13 January, beginning of February to approve the
14 recommendation, and then still give a little bit of time
15 for staff to make those adjustments and corrections
16 before finalizing and submitting to OAL.

17 **MS. URBAN:** Thank you, Mr. Soltani. Ms. De La
18 Torre?

19 **MS. DE LA TORRE:** Thank you. I'm just a bit
20 confused. I'm going to repeat back what I think I
21 understand because I heard different things. So should
22 we expect as the Board to be brought back to a meeting
23 where we will make a determination on whether we move
24 forward or not without having a final statement of
25 reasons ready at that point? We will just have an

1 updated version of the ISOR? Is that the expectation that
2 we should have?

3 **MR. SOLTANI:** So, I can take this. And then Phil
4 and Lisa jump in. So, one, am I correct that the FSOR
5 is, the updated ISOR eventually becomes the, or is a key
6 component of the FSOR?

7 **MR. LAIRD:** It's a portion of the FSOR. Exactly.

8 **MR. SOLTANI:** That's right. And our expectation is
9 to provide, our plan is to provide that core piece to the
10 Board in mid-January, and then the additional pieces as
11 they become ready between mid-January and the soonest the
12 Board is interested in meeting, which could be as soon as
13 the beginning of February all the way up to the end of
14 February if the Board wants to see the picture perfect
15 version of everything. And, so, our thought is, in order
16 to make the determination, the key pieces of information
17 the Board would be interested in is that updated ISOR,
18 the narrative portion, as well as responses to comments,
19 which we can have and discuss during that time.

20 **MS. DE LA TORRE:** Okay. Let me repeat back just to
21 make sure that I understand. So the final statement of
22 reasons, I remember it from the last rulemaking, it has
23 that detailed section-by-section explanation versus the
24 ISOR that is more narrative, and what we're thinking is
25 that we will meet as a Board with an awareness of the

1 ISOR, but we will not meet again and the FSOR will be
2 prepared by the Agency and provided to the Office of
3 Administrative Law without a second meeting by the Board?
4 Is that the plan? I'm just trying to get it right.

5 **MR. SOLTANI:** Yeah, that's good question. So, that
6 section-by-section analysis I think you're referring to
7 is also what we're referring to as the updated ISOR. Is
8 that nor correct, Lisa?

9 **MS. KIM:** Yes. Like I think there's been different
10 kinds of nomenclature that's been used. I characterize
11 it as the narrative portion of the FSOR. So, whatever a
12 statement of justification policy, that will be available
13 to the Board in mid-January so that the Board has it
14 available, has time to review it before making its
15 decision about what final regulations to submit to the
16 Office of Administrative Law. To the extent that there
17 is also the appendices to the FSOR, which is all the
18 summaries and responses to comments, that's something
19 that we are continuing to prepare and we will be
20 available to the Board if there are any particular
21 comments that they would like to discuss with us, either
22 prior to the meeting or at the meeting that the Board
23 will be holding.

24 **MS. DE LA TORRE:** But how will we know if we don't
25 see them? I'm just a little confused.

1 **MR. SOLTANI:** How will you know --

2 **MS. DE LA TORRE:** So, how will we know --

3 **MR. SOLTANI:** Okay.

4 **MS. DE LA TORRE:** -- whether there are responses to
5 the comments if we don't see them?

6 **MR. SOLTANI:** Well, as I mentioned, the current
7 comments, both the 45-day and 15-day, are available to
8 the Board. And, so, the Board can go through and inquire
9 with staff what we anticipate to say or what we are
10 planning to say in response to those comments. And we
11 will be preparing that material to be ready sometime
12 around the Board meeting, but we may not have the photo
13 finished version ready until, so, we won't be able to
14 have the photo finished version ready of the responses,
15 summaries and responses to comments, and the narrative
16 portion of the ISOR, you know, the core component of the
17 FSOR, until the end of January. That's our current plan.
18 So, if the Board would want to wait until all those
19 materials are ready until the end of January, we could
20 also then plan to add an additional two weeks or however
21 much time the Board needs to meet and review that. As an
22 alternative, what we're proposing is instead provide the
23 core narrative portion of the ISOR, plus an opportunity
24 to ask us about any comments and any responses to
25 comments based on the comments that are currently

1 available publicly, and then have that as a way to
2 streamline the process so that the Board gets a
3 substantive kind of understanding of our justification
4 and our responses, as well as questions to specific
5 commenter's responses, and still allow us to meet in
6 early January, beginning of February. But we're open,
7 you know, in this case, open to whatever the Board
8 prefers.

9 **MS. DE LA TORRE:** And we can work through it and I
10 appreciate all of the work that's done. I'm not meaning
11 to, you know, suggest that the final version that is
12 picture ready, like you mentioned, is provided to the
13 Board, but I think what would be really helpful to me is
14 to have this structured way in which the FSOR goes
15 through each comment in some format available, so that we
16 can have a cohesive list of comments that were filed. I
17 have been reading comments, but I have not created on my
18 end like a list of the different topics that are in the
19 comments. I understand that's a part of the FSOR and I
20 will appreciate if we have some version of it. It
21 doesn't need to be the final version, but some version
22 that reflects just the list of the different comments
23 that were filed, and some form of our reaction to it,
24 even if we don't, let me put it this way, even if we
25 cannot get a list of our answers because we're still

1 working on them, if we can just get the list of the
2 comments, then I will know which comment I can reach out
3 to a member of the Agency to maybe have a conversation
4 about. Does that make sense? Does what I'm saying makes
5 sense?

6 **MR. SOLTANI:** It does.

7 **MS. DE LA TORRE:** Okay.

8 **MR. SOLTANI:** It does, and I'm happy to chat with
9 Lisa and Phil and the rest of the team as to when that
10 particular deliverable would be available, and then plan,
11 if that is something the Board wants, plan to essentially
12 give the Board enough time to review, giving staff enough
13 time to produce both the narrative portion and this
14 summary of comments without necessarily the answers --

15 **MS. DE LA TORRE:** Right.

16 **MR. SOLTANI:** -- and have that available to the
17 Board with, you know, two weeks or so time, to the Board
18 to review before meeting. And I'll just flag that we
19 automatically get two weeks or, you know, ten days, but
20 really it's often two weeks because of the way our notice
21 process works anyway. So it takes us ten days for
22 Bagley-Keene as well.

23 **MS. DE LA TORRE:** And to Mr. Mactaggart's point,
24 it's okay if it's a draft. It's just very helpful to
25 have like this structured view of each comment because I

1 personally don't, you know, I remember some of the
2 comments, but I haven't been able to digest them in the
3 way that our staff has. So any awareness of that list
4 will be helpful to me.

5 **MR. SOLTANI:** That's helpful.

6 **MS. URBAN:** Thank you, Ms. De La Torre. Mr.
7 Mactaggart?

8 **MR. MACTAGGART:** Thank you. So, what my
9 understanding is, Ms. Kim and Mr. Soltani and Mr. Laird,
10 that even if you had, you're not going to have the
11 materials necessary to submit to OAL before a certain
12 time, which is the end of January anyway, so you're not
13 losing any time by having that meeting then, assuming we
14 don't make any changes at that point?

15 **MR. LAIRD:** That's correct.

16 **MR. MACTAGGART:** So, okay. So, then, my point of
17 view, again, my approach, and I would urge others to
18 think of this too, is because we have this requirement to
19 get these things in place as soon as possible, it's both
20 a legal and a, you know, I just think it's good for the
21 industry, for the community, for everybody to know what's
22 coming down the pike. I would really urge us to think
23 about being satisfied with whatever staff produces, you
24 know, on the 15, being able to use that for the meeting,
25 you know. At some point, you know, as a Board,

1 hopefully, we're putting confidence in our staff to come
2 up with recommendations, so approving those regs. And,
3 then, if we have changes in the future, to take that as
4 a, okay, now we'd like you to look at these changes, but
5 for a future rulemaking package, so at least we can get
6 something in the hopper so to speak and get that over to
7 OAL. Because I really think that's critical for us.
8 Thanks.

9 **MR. LAIRD:** Thank you, Mr. Mactaggart. And thank
10 you very much to the staff for coming up with this, sort
11 of, I think of it as kind of a funnel model, where the
12 Board is getting the information necessary and staff are
13 putting together the information necessary for OAL on as
14 fast a timeline as possible, while allowing the Board to
15 have a careful review, which I appreciate Ms. De La
16 Torre's comments, which I think were directed toward a
17 careful review, and Mr. Mactaggart's comments, which were
18 directed toward moving as quickly as we can. So, I
19 appreciate the staff's careful thinking about how to try
20 to provide all of that so far as possible.

21 **MR. SOLTANI:** Yeah. If I may, oh, sorry.

22 **MS. URBAN:** Mr. Le, did you have anything? Just
23 because I wanted to be sure you had an opportunity.

24 **MR. LE:** No. I think, you know, I appreciate, you
25 know, getting this out as fast as I can. I trust staff

1 to figure out the best way to do that for us and with the
2 capacity that they have. So, I'm happy with whatever
3 structure that was proposed.

4 **MS. URBAN:** Thank you very much, Mr. Le. Mr.
5 Soltani?

6 **MR. SOLTANI:** That's it. I just want to thank the
7 Board for their input and just echo your remarks, Chair
8 Urban, which is that the process we're trying to put
9 together intends to effectively provide the Board with
10 the information they need to make substantive decisions
11 about the rules and have enough time to review those
12 rules without also impacting staff's time. So, we're
13 basically, you know, we're going, if this is a diner,
14 we're getting it to you as they orders are ready, right?
15 And, so, we're going to prioritize that updated statement
16 of reasons. We're going to provide then the, as Ms. De
17 La Torre requested, at least the summaries of the
18 comments or at least the markings of the comments to the
19 Board. And, then, plan to, with our goal of assuming the
20 Board agrees with staff's recommendations, we're planning
21 to provide those, kind of, as much as is necessary to
22 have almost a finished package by the end of January.
23 So, that is our date, and we'll provide the materials
24 starting in mid-January until that date, and then we'll
25 take the Board's guidance on when they will be ready to

1 meet and discuss these recommendations. And, again, this
2 all hinges on the, the Board may decide to not agree with
3 staff's recommendations and then we can just iterate.
4 But, we're just trying to do it in an efficient way and
5 provide everyone with all the data they need. So, thank
6 you for that feedback.

7 **MS. URBAN:** Thank you, Mr. Soltani.

8 **MR. SOLTANI:** And, Lisa, Phil, do you guys want to
9 add anything? Just because I don't want to, just want to
10 give you guys the opportunity.

11 **MS. KIM:** No. I don't really have much more to add.
12 I hear your concerns about having that balance. I hear
13 both Mr. Mactaggart's concerns about being as efficient
14 as possible, as well as Ms. De La Torre's and other
15 members' to, you know, have enough information to make
16 decision. So, we'll do our best to provide what would
17 help the Board make its decision as quickly as possible,
18 while at the same time doing our best not to slow down so
19 that we can be ready as soon as the Board does make
20 decisions.

21 **MS. URBAN:** Thank you.

22 **MR. LAIRD:** And I'll just thank Lisa and her team
23 for the outstanding work they've continued to do. This
24 whole time, it's pretty impressive what they've been able
25 to churn out so far.

1 **MS. URBAN:** Thank you, Mr. Laird. All right. Any
2 further comments on the Board? Excuse me. Any further
3 comments from the Board? And, if not, I would like to
4 have Mr. Sabo check for public comment.

5 **MR. SABO:** If you'd like to make a comment, please
6 raise your hand using Zoom's raise hand feature or by
7 pressing star 9 on your phone if you're dialing in today.
8 Your name will be called when it's your turn and you'll
9 be invited to unmute yourself. Those dialing in by phone
10 can press star 6 to unmute and then you'll have three
11 minutes to make your comments. I do see Phil Morine's
12 (ph.) hand raised.

13 **MR. PHIL MORINE:** Hi. Can you hear me?

14 **MS. URBAN:** We can. Please go ahead.

15 **MR. MORINE:** Perfect. Thank you. I appreciate
16 everyone's hard work here. My question is, so with
17 January 1, fast approaching, is it safe to assume that
18 this will not be going into effect January 1 and that
19 this might be going into effect towards more of April?
20 Let me know if that's not kind of correct, those dates or
21 that timeline, just from the business side, just a lot of
22 organizations are looking at the January 1 date and it
23 looks like that is starting to move, if I'm hearing
24 correctly. If that's the case, will there be any public
25 notifications, you know, kind of stating that on your

1 site that that date will be moving? And that's kind of
2 just my question here today.

3 **MS. URBAN:** Thank you very much. The statute, the
4 law, goes into effect on January 1. The regulations that
5 will go into effect, implement and provide extra
6 information about the law, will go into effect when they
7 are approved by OAL. Any further public comment from the
8 group? Mr. Sabo?

9 **MR. SABO:** I do see a hand raised by an entity named
10 Privacy Attorney.

11 **MS. URBAN:** Thank you.

12 **MALE SPEAKER:** Hi everyone. Thank you so much for
13 the opportunity and thank you to the Board and the CPPA
14 staff and especially the AG Staff in finalizing the
15 regulations. Similar to the previous commenter, we're
16 helping clients, I'm a privacy attorney, as you can
17 probably tell by the name I'm using. We're helping
18 clients get ready for compliance and one concrete point
19 that I, I know the Board is not obligated to respond, but
20 one concrete point that I had and clarification that I
21 wanted was, Mr. Soltani said that the staff did not
22 anticipate making any further modifications to the
23 regulations even though the staff is preparing all the
24 other auxiliary documents, like the statement of reasons
25 that you all were discussion. So I just wanted to make

1 sure that, for the purpose of advising clients and
2 planning, that that understanding is correct, that there
3 likely will not be any further modifications, but the
4 staff is still reviewing the comments and will be issuing
5 the FSORs and ISORs and things of that nature. Thank
6 you.

7 **MS. URBAN:** Thank you very much, Privacy Attorney.
8 Any further public comment? All right, Mr. Mactaggart,
9 let's circle back to you.

10 **MR. MACTAGGART:** Yeah. I just actually think it's a
11 very reasonable request from the first commenter and I'm
12 just wondering whether a statement from us or something
13 saying, you know, obviously that they, and maybe just
14 stating what the fact is. So it's maybe a question for
15 Mr. Laird. But, just stating that the existing regs for
16 CPPA stay in effect until the new regs are adopted, so
17 that people can have certainty that, you know, oh,
18 there's not, you know, there's not any kind of, you know,
19 uncertainty if they're advising clients or something like
20 that. And so I think that's kind of what the previous
21 question was about and so I just -- Mr. Laird, how would
22 you give people clarity on that front?

23 **MR. LAIRD:** I think, and, you know, Lisa, feel free
24 to jump in if you have any further thoughts here, but I
25 think my statement would just be that, you know, the

1 existing regulations that are in effect and were put into
2 effect with the assistance of the General Attorney's
3 Office remain in effect and the proposed regulations
4 we've been discussing today will not be in effect until
5 they are adopted by the Board and approved by the Office
6 of Administrative Law.

7 **MS. URBAN:** There is an FAQ on our website that sets
8 out a lot of this, if not all of this information, and I
9 think it's amenable to staff. I would request that we
10 just take a look and make sure that it is clear on this
11 point for the public. Ms. De La Torre?

12 **MS. DE LA TORRE:** I was just going to make the exact
13 same suggestion, to update the website to make sure that
14 the statement there is clear. Thank you.

15 **MS. URBAN:** Thank you, Ms. De La Torre. Ms. Kim,
16 and then Mr. Soltani?

17 **MS. KIM:** I just wanted to also add that if you are
18 part of the email listserve for the regulations, you will
19 receive all the updates regarding when we submit things
20 to OAL and basically everything that happens. That's the
21 best way to stay in touch as quickly as possible with
22 regards to the developments here.

23 **MS. URBAN:** Thank you, Ms. Kim. And I haven't
24 touted the email list in a while, so I'm going to do that
25 now. If you go to our website, you can sign up for the

1 list that Ms. Kim mentioned, which is specifically
2 related to the regulations, and you can also sign up for
3 notice of Board meetings and other things. So please do
4 that if you're interested in following the Agency's
5 activities through that channel. Mr. Soltani, did you
6 still, okay. Ms. Kim covered it? All right.

7 **MR. SOLTANI:** That's it. And I would also just add
8 that that FAQ and the link to sign up on the website was
9 also just posted in the Zoom chat if folks want to also
10 go there and sign up. So, thank you for mentioning that,
11 Ms. Kim.

12 **MS. URBAN:** All right. Thank you very much, Mr.
13 Soltani. With that, I would like to thank the Board for
14 its careful attention to all of the items in Mr.
15 Soltani's update and its careful attention to the
16 rulemaking while we all work to get this completed for
17 the public.

18 And let's now move on to agenda item 5, Board and
19 Agency Policies and Practices; specifically, Budget
20 Policy and Overview. If the Board will please turn its
21 attention to the materials for agenda item 5, you will
22 find a memorandum from Mr. Philip Laird, our General
23 Counsel, with recommendations for our process for Board
24 input and oversight of the budget.

25 I want to thank all the Board members, current and

1 past, for thoughts that went into my request for staff to
2 research this and put together recommendations for us,
3 and very much thank Mr. Laird and staff for their work on
4 it. With that, Mr. Laird, I will turn things over to
5 you.

6 **MR. LAIRD:** Thank you, Chair Urban. So, for this
7 agenda item, I would like to start by providing a high-
8 level overview of how the State budget is negotiated and
9 passed each year, and then describe the process that
10 staff is proposing by which the Board can provide
11 meaningful input and direction on the development of our
12 Agency's annual budget.

13 So, to give just a quick high-level budget overview
14 of sort of how the process works in California. Our
15 State Constitution requires the Governors to submit a
16 proposed budget by January 10 of each year for the
17 following fiscal year. As was mentioned earlier, the
18 fiscal year runs from July 1 to June 30, so it does cross
19 calendar years. The proposed budget is reviewed by the
20 Legislature then throughout the spring through a series
21 of committee hearings. And then, in May, the Governor
22 prepares what's called the May Revise by May 14, which is
23 an update to that initially proposed budget that reflects
24 sort of both the results of some negotiations, as well as
25 also it's supposed to update the budget according to the

1 latest information that comes available after tax season
2 in April. The Legislature then has until June 15 to pass
3 a final budget, and the Governor generally has 12 days
4 from that point to sign the budget into law, which would
5 then immediately commence the budget year spending and
6 expenditure authorities beginning July 1.

7 Now, development of that Governor's proposed budget
8 begins much earlier than January 10, as you can imagine.
9 It usually begins pretty much as soon as the last budget
10 is signed, starting in July and the Department of
11 Finance, on behalf of the Governor's Office, solicits
12 what's called a Budget Change Proposal, from all state
13 entities, usually around in September, and then engages
14 with these agencies throughout the fall to better
15 understand the basis for the requests and assess whether
16 it should be included in the Governor's proposed January
17 10 budget.

18 As the Executive Director mentioned earlier, our
19 Agency's BCP for the '23-'24 fiscal year is currently
20 under consideration through this process. So, with that
21 high-level overview in mind, in our meeting materials
22 today, we did prepare a recommendation for how we think
23 would be the best opportunities for this Board to engage
24 in budget review and giving budget direction to staff.
25 We think there's two primary opportunities for the Board

1 to give such input and direction.

2 And, so, the first one is that around June or July
3 each year, we propose that the Board meet and hear, meet
4 to hear and consider what I will call a budget plan that
5 the staff will prepare, which will recommend fiscal
6 priorities and budget change goals and concepts for the
7 upcoming fiscal year. In alignment with whatever
8 direction the Board gives at that meeting, staff will
9 then spend the fall preparing and submitting a BCP to
10 Finance to work through that process to promote what
11 would be our requests in the Governor's Jan 10 budget.

12 The second primary meeting that we envision would
13 occur then sometime probably early in January or
14 February, early in the New Year, after the release of the
15 Governor's Jan 10 budget proposal, and this would be
16 staff's opportunity to brief the Board more thoroughly on
17 what exactly the Governor determined to include in his or
18 her proposed budget, and then would also allow the Board
19 another chance to provide further direction and clarity
20 on priorities that staff should be pursuing during the
21 springtime budget negotiations with the Legislature,
22 which, as we know, you know, the budget proposal on
23 January 10 is not necessarily the budget proposal that
24 will be signed into law at the end of the spring, and so
25 understanding there's further opportunities to sort of

1 promote and pursue the sort of fiscal interests of our
2 Agency, there would be that sort of second opportunity
3 for the Board to further direct staff how to participate
4 and engage in those negotiations.

5 So, from a high level, that's my summary. Again, I
6 do encourage everybody to also review the materials, you
7 know, in connection with this agenda item. This process,
8 you know, is at a high level, but we think it balances
9 the importance of meaningful Board oversight and
10 direction for our Agency's budget with the need for staff
11 to be able to nimbly advocate for that budget through the
12 State process that I've described here at the beginning
13 and throughout. So, at this point, I will stop talking,
14 but, of course, any questions or feedback from the Board
15 about anything I've outlined today are welcome.

16 **MS. URBAN:** Thank you very much, Mr. Laird. I,
17 again, want to express my appreciation. And I will start
18 off by saying that I think that is a nice balance. The
19 Board's appropriate role is to provide strategic guidance
20 on priorities. I don't think the best role for the Board
21 is to be involved in the nitty gritty implementation, but
22 the Board should provide oversight of the staff's
23 implementations. So, this sort of two-part structure
24 makes a lot of sense to me. The Board can set priorities
25 and then we'll be able to check in on implementation

1 later on. So, thank you very much, Mr. Laird, for
2 putting this together and I look forward to discussion.
3 Ms. De La Torre? You're on mute, Ms. De La Torre.

4 **MS. DE LA TORRE:** I apologize again. I agree with
5 what was stated by Chairperson Urban and I appreciate the
6 update from Mr. Laird. We had a little bit of, I think,
7 miscommunication in a prior meeting and I think this
8 clears it. My suggestion will be to consider how other
9 similar agencies are engaging in the process of providing
10 high-level oversight on budget, which, to me, directly
11 connects with the strategic priorities. I know we are
12 still working from the Chairman's update on onboarding
13 external resource that can assist with that. So, my
14 suggestion with this topic will be to maybe bring it back
15 next year, once we onboard that resource and we start to
16 develop our strategic priorities, and also once we have a
17 new appointee from the Governor, who I think should be
18 part of this conversation, and think about how we can
19 best structure the Board permanently in terms of our
20 interaction with the staff of the Agency for the
21 strategic priorities and the high-level oversight of the
22 budget.

23 **MS. URBAN:** Thank you, Ms. De La Torre. Just to
24 clarify, the strategic planning process is likely to
25 operate at a somewhat higher level than the yearly budget

1 strategy process. Of course, they're in close
2 communication with each other, the overall strategic
3 process for the Agency, sort of longer term, and then
4 that, of course, connects to strategy for each year's
5 budget priorities. But just to clarify, I don't see any
6 hold-up on the Board considering budget priorities and
7 then we have like an overall strategic plan at that
8 higher level, of course, we will match those up as we go
9 forward into the future. Mr. Mactaggart?

10 **MR. MACTAGGART:** Great. I have couple of questions
11 here. So, in June/July, I mean, at some point during the
12 year, do we get granular enough where if the Director
13 comes to us and says, you know, it's one thing to say I
14 want to focus on enforcement this year, which is kind of,
15 you know, loosey-goosey, but, you know, do we get, as a
16 Board, sort of the granularity of, and I understand there
17 is politics with the Department of Finance around
18 actually, you know, publicizing, you know, prior to
19 whenever it's released, the actual dollars, but, I mean,
20 as a Board, surely we're going to have to have some kind
21 of ability to say, where the Director says, I'd like to
22 hire three new enforcement people this year, two new
23 public relations people, I mean, do we get, is that part
24 of the sort of June/July process where that's what, you
25 know, Mr. Soltani would come along and say, okay, here's

1 my plan for the Agency, here's the build out, here's how
2 many staff in these different areas?

3 **MS. URBAN:** Mr. Laird?

4 **MR. LAIRD:** Yes. And, of course, I'll welcome Mr.
5 Soltani to jump in too if he has further thoughts. I do
6 think our budget plan, you know, correct me if I'm wrong,
7 Mr. Soltani, would be fairly comprehensive. I don't know
8 if the division at this point, although as we build this,
9 we can continue to kind of flesh out what we think is the
10 most helpful to the Board at this stage, if it would be a
11 granular as the specific numbers and classifications of
12 positions being requested at that stage. Although,
13 again, I'll defer to my Executive Director. By the same
14 token though, what I will note is, you know, when the
15 budget change, if a budget change proposal is approved by
16 the Governor's Office and by the Department of Finance
17 for that Jan 10 release, at that point, we will be able
18 to come back to the Board as we have suggested, this sort
19 of second touch point, explain what's been provided in
20 that proposed budget, and then as I mentioned earlier,
21 that will have the granularity of these are the positions
22 that the Governor's Office has put into the proposed
23 budget. If, for instance, there is an interest in the
24 Board at that point to pursue something different or
25 increase, we would be able to take that direction as a

1 staff and try to promote that, those goals --

2 **MR. MACTAGGART:** I'm talking about --

3 **MR. LAIRD:** -- you know, through --

4 **MR. MACTAGGART:** I'm much more concerned about
5 before. I mean, it's great to know after the preliminary
6 approval, but surely the Board for oversight purposes
7 will need to be able to say, generally, we agree, yes.
8 And, again, clearly, if it's like we didn't get the
9 photocopy we were asking for, we're not looking for that
10 level of granularity, but I do think, as a Board, it's
11 incumbent on us to approve the direction that the
12 administration wants to take it in. That's sort of a
13 basic Board function and I'm super happy to have that not
14 be, you know, line item-by-line item in terms of dollar
15 figure, but I do think that, at a basic level, some of
16 the most important stuff, like enforcement or the key,
17 you know, we'll need to know where the Executive Director
18 wants to grow the Agency. So that's kind of, it would be
19 one of my, if that happens in June/July, then great, and
20 then, yes, we can look at it, did we get it in January?
21 Fine. But, personally, I'm just interested in that
22 process there.

23 **MS. URBAN:** Thank you. Mr. Soltani, I think you had
24 an update, and then Ms. De La Torre.

25 **MR. SOLTANI:** I can respond or we can have Ms. De La

1 Torre go and then I can try to respond to both; either
2 way.

3 **MS. URBAN:** Okay.

4 **MR. SOLTANI:** Whatever you prefer.

5 **MS. URBAN:** Ms. De La Torre, please go ahead.

6 **MS. DE LA TORRE:** Thank you. I just wanted to
7 mention that I am, I totally agree with what Mr.
8 Mactaggart was sharing. That's kind of how I have seen
9 boards function more in the private sector where I have
10 more expertise. And one suggestion that I think we
11 should consider once we have the new appointee from the
12 Governor's Office is the possibility of creating a
13 subcommittee, that is a two-member subcommittee, that can
14 help balance the need for granular conversations, if
15 there is a need, with just not taking too much time of
16 the Board's time. Like, we could have one meeting that,
17 I think, is the suggestion of Mr. Laird, and also a forum
18 where there is a need for more engagement, that can
19 happen, and will also help preserve that balance between
20 what information should be rightfully made public and
21 what information may be too specific to be brought to the
22 Board meeting. That's my understanding of how the Fair
23 Political Practices Commission is structured. And, so, I
24 welcome a conversation about that, perhaps, next year
25 when we have the new appointee of the Governor's Office.

1 **MS. URBAN:** Thank you, Ms. De La Torre. So, maybe I
2 am missing something, but I don't hear any substantive
3 disagreement among the various points of view in the
4 discussion. I do hear examples of the kinds of
5 information the Board members think is appropriate or
6 helpful. I would slightly amend Mr. Mactaggart's good
7 example from my own point of view, which is that I just,
8 I absolutely agree that having a concrete picture is
9 important for the Board. I have a little bit of allergy,
10 just because I've done a fair amount of hiring, that we
11 don't accidentally create a rigid situation that doesn't
12 hold up in the face of CalHR or something like that. So,
13 if we could do something like, you know, in the range of
14 X positions, you know, three to four, or a proportion,
15 you know, this is the proportion of the staffing that
16 staff are thinking, I think that might work with a little
17 bit more flexibility. But I also realize that, my view
18 is that this is a thoughtful plan. In response to Ms. De
19 La Torre's question earlier, I do believe that it took
20 into account a number of models of how boards do this.
21 And, so, I would like to try the plan and process that
22 Mr. Laird has set out for us. And, of course, we can
23 revisit it and we will naturally visit it when we have
24 our first meeting, and we can see then -- and we will
25 have our new Board member in place by then as well -- if

1 that is the appropriate amount of information for us.

2 Mr. Le?

3 **MR. LE:** Yeah. I would second that. I mean, I
4 think the plan that Mr. Laird laid out makes sense to me.
5 You know, I'm involved with several other committees and
6 boards where we do review budgets and, you know, this
7 seems to be aligned with that. And, in particular, it
8 actually gives more, hopefully more input for us than,
9 you know, I have at, maybe my committee to the CPUC. So,
10 I think this is a good middle ground. I definitely don't
11 want to be involved in the granular day-to-day setting
12 out GS-13's or, you know, whatever is necessary for
13 CalHR. I think my time is better spent on the strategic
14 planning, which can inform the budget. So, you know,
15 this approach makes sense to me.

16 **MS. URBAN:** Thank you, Mr. Le. Mr. Soltani?

17 **MR. SOLTANI:** Thank you for that input. I wanted to
18 just respond to a couple quick comments. And, first off,
19 I think this is, I value the Board's input on this
20 process as we're trying to figure it out. You know,
21 every agency likes to pursue it differently, so I
22 appreciate the willingness of this Agency to engage, or
23 our Agency to engage.

24 And, to Mr. Mactaggart's point of, you know,
25 providing input as to like how many or the general

1 makeup, I have no concerns in doing that at a high level,
2 which would mean, you know, not just saying, our priority
3 is enforcement, but, you know, we'll look to grow it by
4 some percentage or something like that, I'm even okay
5 with. I do caution about specific numbers and specific
6 makeup because, to Mr. Le's point, which is that there
7 are these other requirements, such as like the span of
8 control of how many attorney 4's versus attorney 3's
9 versus attorney 1's versus what their makeup is and what
10 their support staff are and what their classifications
11 are. There's a bunch of kind of formulaic processes that
12 go through negotiation with Finance and really around the
13 rules set out by CalHR that we then have to undergo to
14 kind of create the configuration of a team that are based
15 on State hiring rules and State processes. And, so,
16 there's like, if the Board wants ten, there's no
17 guarantee that we will get ten. And, importantly, we may
18 also negotiation with the Department of Finance where
19 they say, given considerations, we might accrue five this
20 year and then you can come to the May Revised for another
21 five.

22 There's also a number of considerations about what
23 that would reveal, our negotiations with the Department
24 of Finance, which are often sensitive. So, for those
25 reasons, I think like general broad strokes of direction,

1 you know, general percentages, etcetera, would be
2 valuable. And then, again, as Mr. Laird laid out,
3 January 10th, the specific requests are then visible to
4 the Board and then we can say, no, we can specifically
5 make changes and, at that point, we can highlight,
6 perhaps, why those changes were made or why, the
7 justifications for, as I have said, like the makeup of
8 the enforcement team needs to have a distributed
9 classification of attorneys that are not all the same
10 class.

11 So, I don't know if that provides a little bit of
12 color, but, as general, I think this is a helpful
13 process. I just wanted to give the contours at which we
14 operate when we create the BCP and some of the other
15 considerations, which I don't know if the Board wanted to
16 be involved at that level. It can be.

17 **MS. URBAN:** Thank you, Mr. Soltani. Mr. Mactaggart?

18 **MR. MACTAGGART:** Thanks. And I think, you know,
19 obviously, we'll see what it is in July, but I just, I do
20 want to maybe add a slightly different take on that.
21 While I understand that there's a difference between, you
22 know, what we ask for and what we ultimately get, and
23 things happen along the way and you can't find the person
24 you were hoping to hire and at the beginning of the
25 process in July it will be aspirational because we won't

1 know what the end result will look like, I also, I'm not
2 particularly, I don't think it's our role necessarily
3 just to kind of rubber stamp something ex post facto and
4 be like, oh, great, this is what you applied for. I'd
5 like to know more than just, oh, we plan to, we plan to
6 focus on enforcement this year. So, I, personally, I
7 don't know that it's so hard to say, you know, here's
8 where we're going to grow this year, here's our current
9 staffing. We've got twenty-seven staff here. We've got
10 thirty-four staff here. We plan to have it forty by the
11 end of the year, you know, next budget year. And here's
12 where we want to hire them. We may or may not. I mean,
13 clearly, life happens and you can't get the people you're
14 looking for, but I don't know that there's anything super
15 operationally impossible about, you know, the Executive
16 Director of an organization saying here's where I'd like
17 to grow. And I think it's really appropriate for us
18 because, otherwise, what we're really, as a Board, doing
19 is, after the stuff is kind of fully baked in -- I know
20 that the budget in January is not a final final -- but
21 it's harder to change things once they're kind of set in
22 wet cement. You know, I do think what I'm saying is not
23 asking for a lot to say I'd like a pretty detailed view.
24 Because, otherwise, as a Board, you know, we're talking a
25 lot of money here and directionality, so I do think we

1 should have more information in July and understand that
2 it will change because, you know, you won't be able to
3 hire the right people or there'll be this negotiation
4 over level 3 versus level 4 or whatever it is. So --

5 **MS. URBAN:** Thank you, Mr. Mactaggart. And, again,
6 I don't hear disagreement here and I don't think that's
7 incompatible with the proposal that Mr. Laird put forward
8 at all. I think what we're discussing are Board members'
9 sort of preferences and priorities for level of
10 granularity. It sounds to me as though the Board all
11 understand that there are both practical limits to how
12 far down the granularity might go and I don't hear
13 disagreement among the Board about, generally, sort of
14 the appropriate level at which oversight should land.
15 Mr. Mactaggart has expressed a fairly sort of concrete
16 idea for the kind of information he would like to see in
17 July and I don't think that is incompatible with what Mr.
18 Laird has proposed. It's certainly not incompatible with
19 what I think. I just want to be sure that the staff
20 understands what the Board is asking and then has the
21 ability to implement it, and we haven't accidentally tied
22 the staff's hands. And I don't think anybody else has a
23 different view from that. There is probably a slight
24 variance of continuum among the Board as to how
25 interested various members will be in how much detail for

1 different things, and that's completely fine. But my
2 take away from the conversation so far is that the
3 proposal accommodates the Board's considerations. I
4 think staff have received concrete helpful information
5 for that first pass that we'll see in July. And what I
6 would suggest is that the staff take the discussion in to
7 account and we can kick the tires on what we hear from
8 staff when it comes up, and if we want to direct
9 something more detailed or less detailed at that time, we
10 can. But, the conversation really sort of teaches me
11 that it's hard to talk about these things in the
12 abstract. And I think that we've done a really good job,
13 so far as we can. And I think that Mr. Laird has done a
14 wonderful job putting together a plan for us, and I
15 appreciate Board members' sort of input on their own sort
16 of, where they prefer to be in the process and how, and I
17 think that we need to see, we need to see what we're
18 working with and then we can revisit if it looks like we
19 need to, add some additional color or detail to that.

20 Mr. Soltani, did you want to say something?

21 **MR. SOLTANI:** I did, just real brief.

22 **MS. URBAN:** Okay.

23 **MR. SOLTANI:** And I agree with all the points that
24 Chairperson Urban made. I want to just respond to this
25 concept of, you know, being even less concrete in July.

1 You know, it's a real fact, you know, I would just urge
2 the Board to consider the process Phil, or Mr. Laird
3 suggested, only that we will get an opportunity to visit
4 this in January. So, after January 9, we'll see the
5 current proposed budget will be available in detail to
6 the Board, assuming Department of Finance gets their
7 systems working, and we will then have an opportunity
8 then to then discuss any considerations at whatever level
9 the Board thinks appropriate. And then there's this
10 opportunity, as Mr. Laird pointed out, of the May
11 Revised, where the additional, in the spring, additional
12 changes and updates to the budget are made at that time
13 before it goes to the Legislature and then we appear in
14 front of the Legislature to kind of, with the Department
15 of Finance, to make these proposals to the Legislature
16 for approval. So, I think we could give it a test run,
17 starting not July, but starting as early as January,
18 figure out if that level of detail that we get into in
19 January and then, subsequently, the following spring and
20 then July, are at the level that the Board feel
21 appropriate. And, if not, then we can, starting in July,
22 again, you know, starting after that July meeting, then
23 recalibrate for a deeper level if the Board chooses so.
24 So, I think we're going to get a real shot to try it and
25 that would, perhaps, give us a shot. It's only been a

1 factor of how we've come up that we haven't had those
2 opportunities to do that just yet, but I hope moving
3 forward now that we have the staffing to engage the
4 Board, including in January after, you know, sometime
5 after in January when the, our BCP is public, our
6 proposed BCP is public. I hope that made sense.

7 **MS. URBAN:** Thank you, Mr. Soltani. I though Mr.
8 Mactaggart was talking about January. We pour the
9 concrete in July. The concrete is wet in January. That
10 was my understanding. But, in any case, thank you and
11 that makes sense to me. Mr. Mactaggart?

12 **MR. MACTAGGART:** Yeah, Madam Chair, that's exactly,
13 that was my thing. But I think we'll walk and then run,
14 so I'm comfortable with this.

15 I'd like to just ask a separate question, which is
16 about funding. My understanding now is that potentially
17 we're not using sort of what I would call the State CPI
18 level for increasing the funding to the Agency. We're
19 using some lesser rate. And I was just wondering if you
20 could expound upon that, either Mr. Soltani or Mr. Laird,
21 because the statute is pretty clear. The statute doesn't
22 say, by the way, please use this artificially lower rate
23 that we, the State, have negotiated with a particular
24 union. So, I'm just wondering what, where we're getting
25 the authority to use this, as I understand it, much lower

1 CPI that's potentially hundreds and hundreds of thousands
2 of dollars less for our Agency.

3 **MR. SOLTANI:** Thanks for that question. I can take
4 it and then, Phil, if you'd like to -- I should ask Madam
5 Chair if it's okay -- I'll take it and then Phil can jump
6 in, if appropriate. Great. So, yeah. So, as I
7 mentioned in my update, we requested a 2.5 percent cost
8 of living adjustment as required by C agencies. This
9 adjustment is the personnel adjustment that is negotiated
10 with individual bargaining units by MOU and that is
11 something we kind of almost do automatically and are
12 required to as a State agency.

13 Separately, with regards to a larger kind of cost of
14 living adjustment, as outlined in our statute, which is
15 what I believe Mr. Mactaggart is referring to, we have
16 discussed this and, you know, and as CPPA work with the
17 Department of Finance in building the '23-'24 budget,
18 particularly as our projected budget still falls below
19 our statutory allocation and that the State is projected
20 to have a 25 billion dollar shortfall this year, we
21 determined that it was not necessarily needed at this
22 time. This was an area that we could certainly request a
23 larger adjustment, including for back years to adjust for
24 inflation, but that would require a BCP to request funds
25 in excess of our statutory allocation. And, if the Board

1 prefers to do that, we could certainly take that up when
2 we meet to discuss in January/February or in future
3 years. As I have said in my updates, I have been mindful
4 to stay within our statutory allocation as of now to be
5 mindful of our growth and to be mindful of the State's
6 current status. But I'm certainly expecting that any
7 adjustments be guided by the Board in the discussion that
8 we can have by the Board.

9 **MS. URBAN:** Thank you, Mr. Soltani. I think Mr.
10 Mactaggart's point is that our statutory allocation
11 changes according to the formula listed in the statute.
12 And I understand absolutely what you're saying with
13 regards to the fact that as we grow, we haven't yet hit
14 the top of our allocation for the statute. So,
15 requesting more than what we are actually planning to
16 implement in the BCP might not make sense.

17 But I did want to go back to something that you said
18 just to check. So, but if next year, for example, we
19 were going to hit our ceiling, we would still be able to
20 request based on a ceiling that has been adjusted for the
21 higher inflation this year?

22 **MR. SOLTANI:** We could very well. I'll respond. We
23 could very well request an adjustment for this year and
24 back years based on the statute. I will flag that that
25 is a change proposal that has to be approved by the

1 Department of Finance, but we would point to our statute
2 as to the justification for that adjustment. Often, my
3 understanding too, is that the CPI is often used in
4 relation to personnel services increases. Sorry, CPI is
5 not used with regards to personnel increases. Those are
6 associated, as I said, with the MOUs with individual
7 bargaining units. CPI often is primarily used in
8 relation to fees and services to cover cost increases and
9 that's where we come at that. So we would essentially,
10 even though as in the statute, need to make a BCP
11 proposal to the Department of Finance and provide a
12 justification for why in order to receive those. It's
13 not automatically done.

14 **MS. URBAN:** Okay. Thank you. But we wouldn't be
15 leaving money on the table in the future?

16 **MR. SOLTANI:** No.

17 **MS. URBAN:** Okay. Mr. Mactaggart?

18 **MR. MACTAGGART:** Thank you. I'm troubled here
19 because the statute doesn't say, by the way, if you think
20 you're not going to spend it, you don't get it, you don't
21 have to take it. It doesn't say, if the State's having a
22 bad time, you can sacrifice some of your money. I'm
23 really troubled. It does say with respect to the
24 expenditures, we have to go through normal procedures,
25 but there's absolutely nothing. It says hereby

1 appropriated by the people of California to the Agency.
2 And I'm, you know, the BLS CPI is like, you know, 6 for
3 LA. It's way higher than 2.5 percent. And, so I'm, I
4 don't know that we have the right to sort of say we don't
5 want the money. And, you know, we can always spend the
6 money on, for example, public education. That's one of
7 our mandates. And, so, I'm troubled and I don't think
8 it's our, I really want to actually not get in this
9 situation where we're sort of not taking what is our due.
10 The people of California appropriated that money, all of
11 it. And, so, I think it's not a question of whether the
12 Department of Finance wants to give it to us or not. I
13 mean, this is just the same thing as some, you know,
14 school bond or something that has to get paid and you owe
15 the interest on it. This is not a discretionary payment
16 by anybody. This is absolutely, 100 percent of this, at
17 the California CPI, needs to come to us. So, I really
18 don't want to have a supplemental. I don't want to, I
19 think we need to go back and say, this is our money, pay
20 it please. Because it was appropriated by nine and a
21 half million Californians.

22 **MS. URBAN:** Thank you, Mr. Mactaggart. Mr. Le?

23 **MR. LE:** Yeah. I mean, I think that's a good point.
24 And I wonder, though, you know, the adjustment sets a
25 minimum for the Agency, but I think there is an argument

1 to be made that, you know, as the responsibilities of the
2 Agency grows, and perhaps in response to additional
3 legislation, do we, as an Agency, have the ability to go
4 beyond the ten million, plus the CPI adjustment, you
5 know, beyond what the statute orders. So, I think the
6 way that we're playing it right now, it can go both ways;
7 like we're taking less than perhaps we are entitled to,
8 but in the future, does that give us the flexibility to
9 get more as, you know the responsibilities of the Agency
10 increases beyond what the statute had contemplated as the
11 budget? So I'm just curious around that, if there is an
12 advantage to taking less now by taking more as needed,
13 perhaps more than we would be entitled to under the
14 statute.

15 **MS. URBAN:** Thank you, Mr. Le. So, I think that
16 this is probably something that staff should take the
17 time to put together and brief us on when we pick up the
18 budget again. And the reason why is because I have an
19 inkling, and I'm afraid that I'll say the wrong thing
20 without sufficient information behind me, but my
21 understanding is that we've got more than one thing going
22 on here. So, we have the fact that we have, and Mr.
23 Mactaggart has pointed out, an allocation, a statutory
24 allocation of ten million dollars a year, plus the
25 formula for inflation, and that is allocated to us, as

1 Mr. Mactaggart noted, by the people of California. At
2 the same time, just as the Board has to provide oversight
3 of the Agency's expenditures, the Legislature provides
4 oversight of the Agency's expenditures and the Department
5 of Finance is our control agency providing oversight and
6 actually approving our spending plan. So, while this is
7 probably not completely intuitive, and this is where I'm
8 afraid, so I'm just going to say it, I may be wrong about
9 this and this is why I would like a briefing, because
10 it's my memory from last year when we were getting
11 started, is that nothing releases us from having to
12 submit a budget change proposal every year and as needed
13 and having those oversight processes happen, and there is
14 no mechanism, and it is not the mechanism, that that
15 annual money goes into our fund or that we can roll it
16 over. That's why, before our very first Board meeting, I
17 made the kind of executive decision that, thankfully,
18 everybody agreed with because of the timing, to take
19 almost four million dollars that we weren't going to be
20 able to spend in that fiscal year and put it into the
21 real estate fund. Because that's one of the few ways
22 that you can roll over money. Otherwise, there isn't a
23 mechanism for that to happen. So, there's both the what
24 is allocated from the general fund and then there is
25 actually the mechanism for being allowed to spend it with

1 oversight. And I may have gotten some of that wrong.
2 So, what I would really like to do is to agenda that
3 discussion of the public BCP as planned in Mr. Laird's
4 recommended process and, as part of that, to ask staff to
5 help us really sort of drill down and understand this
6 process. Because I really hear what Mr. Mactaggart is
7 saying and I want to be sure that we have full
8 information about all the different processes and
9 controls that are in place that aren't always sort of
10 visible immediately. All right. Thank you. Mr.
11 Mactaggart?

12 **MR. MACTAGGART:** Thank you. You know, again, I just
13 want to address a couple of points. What Mr. Le said,
14 you know, sure, and I have always hoped that we will
15 eventually be such a dynamic agency that the State says,
16 yes, look at the work that you're doing, you know, you
17 need to have even more. Because, at some level, a notion
18 of a ten million dollar whatever now with inflation
19 should be over eleven. An agency to regulate, you know,
20 such a huge area, we're going to need to get bigger
21 eventually, but that's in the Legislature's wisdom. But
22 the minimum I kind of always felt was going to be there.
23 And, again, as a Board, I don't know that we have the
24 right in the statute to say, by the way, we don't want
25 this money; we, you know, we're not going to ask for all

1 of it. I completely agree with the Chair's point that,
2 of course, the Agency is subject to the legislative
3 oversight for spending, but, in terms of taking it, I
4 think we have a fiduciary responsibility to ask for
5 exactly what we're owed. And the other thing that
6 worries me is, you know, the way these things work is
7 now you take a two and a half percent; next year, your
8 inflation is off that lower base and you lose. It's like
9 compounding money. You lose so much money over decades
10 if you don't ask for the maximum every single year. And,
11 so, I would urge, Mr. Laird, when you come back to us in
12 January, we should do a catch up to make sure, or, you
13 know, to the extent that we didn't take all inflation
14 last year, we need to be hitting that new number.
15 Because this is going to be vital as we seek to support
16 the Agency's efforts and goals.

17 **MS. URBAN:** Thank you, Mr. Mactaggart. I'm not sure
18 there is a mechanism to move money from the general fund
19 unless we have an actual specific plan to spend it, but,
20 again, I really understand what you're saying and I think
21 that your suggestion for Mr. Laird or Mr. Soltani,
22 whoever is the right person, to help us sort of through
23 this so that we can figure out the best course forward
24 when we take up our discussion of the BCP makes a whole
25 lot of sense. Mr. Le?

1 **MR. LE:** Yeah. I mean, I completely agree with Mr.
2 Mactaggart. I think we definitely, the minimum, the
3 amount that the Agency should receive, we should be able
4 to calculate that according to the formula in the
5 statute. And, if our spending needs do reach that amount
6 and, you know, DOF, whoever says that that's, you aren't
7 entitled to that, I think we have a strong argument to
8 say, no, by statute, if you calculate ten million
9 inflation under this formula over the past couple of
10 years, this is the minimum we're entitled to. And,
11 again, if we don't have a plan to spend it, you know,
12 perhaps we should figure out a plan to spend that full
13 amount. I imagine once we're fully staffed up, that
14 won't be a problem. And I'll just say I second the idea
15 that we, you know, we get further briefing on this. And
16 I am a little bit more familiar with California's
17 budgeting process and, you know, as far as Chair Urban
18 said, yeah, if we don't have the plan, the State's just
19 going to take it back. They're not going to let us take
20 the extra money. But I do think we should establish the
21 exact minimum amount the Agency is entitled to each year
22 based off the formula. And should our needs reach that
23 amount or go beyond that amount, I think we have a strong
24 argument that the Agency is entitled to at least that
25 much.

1 **MS. URBAN:** Thank you, Mr. Le. Ms. De La Torre?

2 **MS. DE LA TORRE:** Thank you. I just want to add
3 that I really appreciate the conversation that has been
4 had. I was not completely aware of how we were managing
5 the budget and the fact that we were maybe requesting
6 less than was due and I just want to remind all of us
7 that we are in the process of appointing a new Board
8 member. This conversation, if it moves towards
9 permanent processes, should welcome the voice of that
10 new Board member. So I would encourage our Chair to
11 calendar that follow-up conversation at a time where
12 that new Board member can participate.

13 **MS. URBAN:** Thank you, Ms. De La Torre. All right.
14 Again, I great appreciate the robust discussion and I
15 appreciate staff's careful help in helping us all
16 understand the intricacies here. What I would like to do
17 is give staff the clear understanding that they can
18 proceed based on the process that Mr. Laird set out, with
19 the guidance of the conversation today. As I mentioned
20 earlier, we heard color from different Board members to
21 give an indication to the kinds of things that they would
22 like to see and we've also heard from all of the Board
23 that we want to understand the allocation process more,
24 so that we can direct the appropriate approach to that
25 with a strong baseline fundamental understanding that the

1 Agency has a responsibility to obtain and use the money
2 that it was allocated by the people of California for the
3 purposes the people of California has asked the Board, or
4 has asked the Agency to fulfill. So, with that, what I
5 would like is a motion to adopt the process for Board
6 input into an oversight of the Agency's budget outlined
7 in the memorandum provided by Mr. Laird for our
8 discussion today, as informed by today's Board
9 discussion.

10 **MR. LE:** I can make that motion.

11 **MS. URBAN:** Thank you, Mr. Le. Do I have a second
12 please? Thank you, Mr. Mactaggart.

13 **MR. MACTAGGART:** Sure. Verbal now.

14 **MS. URBAN:** Thank you, Mr. Mactaggart. It is this
15 problem where we can see one another, but sometimes it's
16 just audio for others. So, thank you, Mr. Mactaggart,
17 for verbally affirming your second. Mr. Sabo, is there
18 any public comment?

19 **MR. SABO:** There is one hand raised for Beth
20 Magnassen (ph.). Oh. There's no longer a hand raised.
21 If anyone would like to make a comment, please go ahead
22 and raise your hand at this time using Zoom's raise hand
23 feature or by pressing star 9 on your phone. Again, if
24 you'd like to speak at this time, please use Zoom's raise
25 hand feature or press star 9 if you're joining by phone

1 today. I'm not seeing any hands raised, Madam Chair.

2 **MS. URBAN:** Thank you very much, Mr. Sabo, and thank
3 you again to the Board for its careful oversight and this
4 robust discussion. Mr. Sabo, could you please call the
5 vote?

6 **MR. SABO:** Yes. So the motion is to adopt the
7 motion as stated by the Chair. Board member De La Torre?

8 **MS. DE LA TORRE:** Aye.

9 **MR. SABO:** De La Torre, aye. Board Member Le?

10 **MR. LE:** Aye.

11 **MR. SABO:** Le, aye. Board member Mactaggart?

12 **MR. MACTAGGART:** Aye.

13 **MR. SABO:** Mactaggart, aye. Chair Urban?

14 **MS. URBAN:** Aye.

15 **MR. SABO:** Urban, aye. With that, the motion
16 carries 4-0.

17 **MS. URBAN:** Thank you very much, Mr. Sabo. The
18 motion has carried with a vote of 4-0. Mr. Laird, thank
19 you so much for your work on this. Mr. Soltani, thank
20 you for your work on this. And I know there are more
21 people behind the scene and I thank all of them as well.
22 And we will look forward to continuing the conversation
23 when we discuss that first prong, which is the January,
24 what you, I think very jauntily, the Jan BCP. So we will
25 look forward to that.

1 Now, we have a bit of a pause point. What I would
2 like to do is move to the next agenda item and invite Ms.
3 Mahoney to present her first agenda item, but we could
4 also take a break now. So we could take a break now or
5 we could take a break after discussing the next agenda
6 item, and I would just like to hear folks' preferences.
7 Yes, Ms. De La Torre?

8 **MS. DE LA TORRE:** I would appreciate the break now.

9 **MS. URBAN:** Okay, wonderful. How long do you need?
10 Fifteen minutes? Twenty minutes? Or a little more, like
11 an early lunch?

12 **MS. DE LA TORRE:** I would say we should make it
13 twenty or thirty minutes to give everybody an opportunity
14 to have an early lunch and so that we don't have to
15 adjourn, but I welcome the feedback from others.

16 **MS. URBAN:** All right. Does that present challenges
17 for anyone? All right. With that, let's take a break
18 until 11:30 a.m. For members of the public, the Board
19 will be removing themselves from the meeting in order to
20 take a break. I believe the Zoom will remain open so you
21 can walk away if you'd like, or not, and Mr. Sabo will
22 announce when we return, but we can expect that at 11:30.
23 Thanks very much. We are now on break.

24 (Pause)

25 **MS. URBAN:** Welcome back, everyone. We'll give Mr.

1 Mactaggart and Mr. Le a second to rejoin us. Welcome
2 back, Mr. Le.

3 (Pause)

4 **MS. URBAN:** Welcome back, Mr. Mactaggart. Thanks,
5 everyone. This meeting of the California Privacy
6 Protection Agency Board is now returning from break at
7 11:31 a.m., and we are beginning agenda item 6 on the
8 agenda. Agenda item 6 will be presented by Ms. Maureen
9 Mahoney, our Deputy Director of Policy and Legislation.
10 Welcome to the meeting today, Ms. Mahoney. Ms. Mahoney
11 will be providing us an update on legislative
12 developments that are relevant to the Agency or its work,
13 and discussing a recommended process for considering
14 legislation. If the Board will please turn its attention
15 to the material for agenda item 6, you'll find a
16 memorandum from Ms. Mahoney outlining the California
17 legislative process and some recommendations for an
18 expected process for legislative work. As a reminder to
19 Ms. De La Torre and Mr. Le, and for Mr. Mactaggart's
20 background, we followed a version of this process, the
21 version that would apply when there's a short fuse on
22 taking a legislative position, in July of this past year
23 when we considered the American Data Privacy and
24 Protection Act. Ms. Mahoney has developed a
25 recommendation that also allows us to have a regular plan

1 and process aligned with the regular legislative
2 calendar. Ms. Mahoney, thank you again for being here
3 and for applying your expertise to put this together for
4 us. And I will turn things over to you.

5 **MS. MAUREEN MAHONEY:** Thank you, Chairperson and
6 members of the Board, for the opportunity to provide a
7 legislative update. I'm planning to cover three main
8 topics in today's update. I'll start first with an
9 overview of notable California legislation that was
10 signed this year by Governor Newsom. I'll, then, turn to
11 active federal legislation. And then, finally, go over
12 staff's recommended processes for taking legislative
13 positions and making legislative proposals, so it should
14 be about a five-minute overview.

15 First, with respect to California, children's
16 privacy and reproductive privacy were a focus for
17 California lawmakers this past year. No bills
18 significantly impacted the Agency's duties were
19 ultimately signed into law, but notable privacy bills
20 were adopted, several of which I will briefly go over.

21 The first is AB-2273, the California Age Appropriate
22 Design Code, which, among other provisions, restricts a
23 covered business from collecting, selling, sharing, or
24 retaining any personal information that's not necessary
25 to provide an online product, service, or feature with

1 which a child, defined as under 18, is actively and
2 knowingly engaged, unless the business can demonstrate a
3 compelling reason that it's in the best interest of the
4 child. The bill creates the California Children's Data
5 Protection Working Group, which we will discuss in more
6 detail in another agenda item. And I also want to flag
7 that this newly-adopted law is the subject of a court
8 challenge. NetChoice has filed suit against the
9 California Attorney General's Office, which is
10 responsible for enforcing the law, to enjoin enforcement
11 of the AADC and invalidate it on several grounds,
12 including the First Amendment, which we will be
13 watching closely.

14 Second, SB-1172, the Student Test Taker Privacy
15 Protection Act, requires that a business providing
16 proctoring services in an educational setting collect,
17 use, retain, and disclose only the personal information
18 that's strictly necessary to provide those services.

19 And, third, with respect to reproductive privacy,
20 AB-1242 by Assembly Member Bauer-Kahan, among other
21 provisions, prevents out-of-state law enforcement
22 entities from obtaining information from California
23 companies about an abortion that would be legal in
24 California. That's an urgency measure that's already
25 gone into effect.

1 So that concludes my overview of notable California
2 privacy legislation. I'll now turn to federal
3 legislation that Agency staff is actively tracking.

4 So, first, is an update on the American Data Privacy
5 Protection Act, or ADPPA. As you know, the Agency Board
6 voted unanimously in July to oppose this bill as
7 currently drafted as it could significantly weaken
8 Californians' privacy protections by seeking to preempt
9 nearly all the provisions of the California Consumer
10 Privacy Act and other state privacy laws.

11 There is also a lot of discussion surrounding
12 privacy legislation and whether any legislation will be
13 added to a must-pass bill, such as the Omnibus Spending
14 Bill, by the end of this year. ADPPA supporters are
15 continuing to push for passage, though we understand that
16 there are concerns in both houses about the bill in its
17 current form. That said, there will be changes in the
18 composition of the House next year, so the political
19 dynamics will shift.

20 Other legislation that's under discussion has to do
21 with kids' privacy. For example, Senators Blumenthal's
22 and Blackburn's Kids Online Safety Act, which, as it
23 advanced out of the Senate Commerce Committee this
24 summer, requires covered platforms to act in the best
25 interest of minors and to provide consumer-friendly tools

1 for managing the online experience of minors.

2 Another bill that passed Senate Commerce mark-up
3 this summer is an update to the Children's Online Privacy
4 Protection Act, otherwise known as COPPA, Senators
5 Markey's and Cassidy's Children and Teen Online Privacy
6 Protection Act, informally known as COPPA 2.0, that, as
7 reported out of the committee, extends COPPA's
8 opt-in to data collection requirements to minors 13
9 through 16, and prohibits targeted advertising to
10 children under 13, among other provisions.

11 And then, finally, we're also monitoring the
12 National Defense Authorization Bill. Language that would
13 allow federal judges and their family members to take
14 down from the internet public display information, such
15 as their addresses and license plate numbers is in the
16 bill that advanced out of the Legislature and it's headed
17 to President Biden for his consideration.

18 And then, third, legislative processes. So, staff,
19 in a memo that's included in the meeting materials for
20 this agenda item, recommends steps for, first, taking a
21 position on legislation, both state and federal, and,
22 second, for the Agency to make legislative proposals,
23 overall following steps the Agency has already taken in
24 voting to oppose the ADPPA in its current form.

25 So, first, I'd like to note that staff is not

1 proposing any legislative requests this year. Our top
2 priority has been on the regulations. Also, with respect
3 to timing, staff is just planning two regular Board
4 meetings a year, one in November/December to consider
5 legislative proposals, and one in mid-summer to consider
6 to active legislation, recognizing that legislative
7 questions may come up that require additional discussion
8 as well.

9 Next, with respect to the Agency taking a position
10 on legislation, first, as an initial matter, I want to
11 clarify that for the Agency to take a formal position --
12 support, oppose, etcetera -- the Board has to vote on
13 that in a public meeting, and a recommended process for
14 doing so is that staff will monitor bills, provide
15 updates to the Board, -- of course, the Board is free to
16 flag legislation for staff at any time to monitor -- and
17 for bills that affect the Agency, staff will analyze
18 them, prepare a short memo, which may recommend taking a
19 position, for discussion at a Board meeting. If the
20 Board votes to take a position, staff will communicate
21 that position to stakeholders in the public, as we did
22 with ADPPA.

23 In terms of proposing legislation in California,
24 likewise, to propose legislation on behalf of the Agency,
25 the Board needs to vote at a public meeting. Board

1 members and staff can suggest proposals to me at any
2 time. Board members can certainly do so at Board
3 meetings as well. Staff will analyze proposals in the
4 fall, bring them forward at that time for the Board's
5 consideration, which will be outlined in a brief public
6 memo. And, again, if the Board approves a proposal,
7 staff will communicate it to the Legislature and other
8 interested agencies and provide updates on status.

9 And we think these steps will enable the Board to
10 make informed decisions about legislation affecting the
11 Agency, to enable all Board members to have meaningful
12 input into the legislative decision-making process, and
13 enable staff to respond to quickly-moving legislation in
14 a timely and effective manner.

15 Thank you and I'm happy to answer any questions.

16 **MS. URBAN:** Thank you very much, Ms. Mahoney.
17 Comments or questions from the Board? Ms. De La Torre?

18 **MS. DE LA TORRE:** I just wanted to make sure that I
19 understand. So, we're talking about two meetings a year
20 of the Board where there will be an agenda item
21 related to legislative policies? Is that the proposal?

22 **MS. URBAN:** Ms. Mahoney? I mean, my understanding
23 is that would be a regular schedule to anticipate and
24 respond to the regular legislative calendar. And
25 then, of course, things can come up, like the ADPPA
came up

1 over the summer. Is that correct?

2 **MS. MAHONEY:** Correct. So, you know, one of staff's
3 goals was to provide Board members with some expectation
4 in terms of timing so that Board members, as proposed,
5 could expect to have a meeting, you know, perhaps in mid-
6 summer, to consider active legislation, and then another
7 meeting in the fall to consider proposals for
8 legislation. But, certainly, there's a lot of
9 flexibility in there. You know, things could come up at
10 any time and Board, you know, may need to, may want to
11 convene to consider them.

12 **MS. DE LA TORRE:** Thank you. I have a similar
13 comment to the comment that I had in the prior agenda
14 item, which is we're missing one member of the Board and
15 somebody's going to be appointed, I imagine, in the near
16 future. So I think that this conversation should have
17 with the benefit of that additional member, and my
18 understanding is for the Fair Political Practices Board,
19 they do have two permanent subcommittees, and one is
20 helping with the, I'm sorry, with the Agency priorities,
21 the budget, and the other one is around this topic of
22 legislative policy. And I think we should consider
23 whether that would be a helpful addition to the proposal
24 of Ms. Mahoney to just enable the Board to engage with
25 the Agency in a way that doesn't necessarily take a lot

1 of time out of the regular scheduled Board meetings and,
2 particularly, next year as we will likely be considering
3 a regulatory package that will have to be brought to the
4 Board, I imagine, on multiple occasions for
5 conversations. So, again, I think that if we can maybe
6 take the advice that we have received from the staff at
7 this point, but with the understanding that maybe we can
8 have a follow-up conversation next year once we have the
9 new member, and consider other possibilities on how to
10 best engage. I don't have enough awareness on the volume
11 of proposals that we might see that affect us, but I know
12 that, you know, from history we have had a significant
13 number of proposals related to privacy in prior years.
14 So, I'm just thinking about how we can best engage with
15 the Agency in a way that doesn't take a lot of time of
16 the, you know, general Board meeting, but, at the same
17 time, can be effective and helpful in looking at other
18 agencies that have similar mandates. I think it's a good
19 practice.

20 **MS. URBAN:** Thank you, Ms. De La Torre, and I
21 appreciate your thoughts. So, I have in my little hopper
22 of, you know, planned staged discussions to discuss
23 subcommittees and process when we have the new Board
24 member in place, as you discussed. We've had, of course,
25 we have two dearly departed Board members, we have a

1 newer welcome Board member in Mr. Mactaggart, and we will
2 have another one, so it's a timely place to discuss that.

3 I did want to clarify for my, so I have this correct
4 as I'm thinking it through, how to, you know, sort of
5 structure information for discussion. When you are
6 thinking about this, the role of the subcommittee cannot
7 be to take a position on legislation or to agree to
8 proposed legislation. The Board, the entire Board, has
9 to vote on those things. So, what would be the role?

10 **MS. DE LA TORRE:** Well, I don't want to, you know,
11 prejudge the conversation. We should all participate in
12 the conversation. I think there is a wide range of
13 possibilities. If it's an advisory board, which we have
14 done in the past, it wouldn't necessarily be -- an
15 advisory subcommittee, I'm sorry; that's what we have
16 done in the past -- it wouldn't really function in any
17 decision making capacity. I don't know if even the
18 possibility that there might be an urgency in, you know,
19 providing feedback, there is a situation where we might
20 create a board that is not advisory in nature and, if
21 that was -- I apologize; I'm making this mistake again --
22 a subcommittee that is not advisory in nature, but a
23 subcommittee that's a decision making subcommittee, we've
24 never done that. So, I don't know what the range of
25 possibilities would be in terms of what could be

1 delegated to that subcommittee to make a decision maybe
2 around, you know, initial feedback. I think that it's
3 worth a conversation. That's what I'm trying to say, and
4 that, you know, we should look at the range of
5 possibilities and how we can best utilize those to better
6 have a policy discussion of the Board members that
7 informs the positions of the Agency.

8 **MS. URBAN:** Okay. Thank you, Ms. De La Torre.
9 That's helpful to the background on your thinking there.
10 As with the budget proposal, I don't think that is the
11 intention necessarily with what Ms. Mahoney has proposed.
12 Is everyone on board with the thought that we will have a
13 process by which anyone can propose things to Ms. Mahoney
14 so that she has the information necessary, and we will
15 expect to take this up on a general schedule, but, of
16 course, like if, as Ms. De La Torre pointed out, there's
17 an emergency that pushes it, then, you know, staff will
18 help us make decisions at that time. And if there's
19 legislation that comes up that has urgency, then, of
20 course, staff will let us know so that we can consider it
21 the way we did over the summer. But the general sort of
22 framework of the proposal makes a lot of sense to me and
23 I'm hoping to check in with Board members on that, with
24 the appreciation for Ms. De La Torre's thoughts about a
25 sort of more detailed process potentially with a

1 subcommittee once we have a new Board member.

2 I'm sorry, Mr. Laird. I saw you pop in just a
3 little bit late. Was there something that you needed to
4 say?

5 **MR. LAIRD:** No. I was just prepared if there were
6 further questions about --

7 **MS. URBAN:** Oh.

8 **MR. LAIRD:** -- some subcommittee --

9 **MS. URBAN:** Okay.

10 **MR. LAIRD:** -- being the next --

11 **MS. URBAN:** Yes. No, and I appreciate and agree
12 with Ms. De La Torre's thought that we should sort of
13 talk about that in a structural way where we have it
14 agendized. But I appreciate the sort of background that
15 she's given. I think I now have the information that I
16 need.

17 So, anyway, further thoughts on the general sort of
18 broad legislative process? Okay. Thank you all. Thank
19 you, Ms. Mahoney. And, again, so staff are clear that
20 we've heard this and they've heard us. May I have a
21 motion to adopt the process for considering and proposing
22 legislation that is outlined in the memorandum provided
23 by Ms. Mahoney for our discussion today, again, as
24 informed by today's discussion?

25 **MR. MACTAGGART:** So moved.

1 **MS. DE LA TORRE:** I so move.

2 **MR. MACTAGGART:** Second.

3 **MS. URBAN:** Okay. Thank you. Ms. De La Torre has
4 moved and Mr. Mactaggart has seconded. Thank you very
5 much. Mr. Sabo, is there public comment?

6 **MR. SABO:** If you'd like to make a comment, please
7 raise your hand at this time using Zoom's raise hand
8 feature or by pressing star 9 on your phone. Again, if
9 you'd like to speak under public comment at this time, go
10 ahead and raise your hand using Zoom's raise hand feature
11 or by pressing star 9 on your phone. Ted Harrington
12 (ph.)? You'll be unmuted and given three minutes to make
13 your comment.

14 **MR. HARRINGTON:** Hi. Can you hear me?

15 **MR. SABO:** Yes.

16 **MR. HARRINGTON:** Sorry. This is circling back to,
17 this isn't what we were just talking about, but in terms
18 of the CPRA, you know, people were talking about wet
19 cement, dry cement, and all that. In terms of it going
20 effective January 1, does that mean to be compliant, we
21 have to have all the new links up for do not share and,
22 you know, all the other requirements under the CPRA? Or
23 is that something that will wait until the, I think, the
24 implementing regs are adopted? I'm just not clear on when
25 we have to have the, actually, you know, have all the

1 links up and be operationally compliant with the CPRA.

2 **MS. URBAN:** Thank you very much, and I know staff
3 are going to work to be sure the website is clear on all
4 the different dates. Any other public comment, Mr. Sabo?

5 **MR. SABO:** Again, if you'd like to make a comment at
6 this time, please raise your hand using Zoom's raise hand
7 feature or by pressing star 9 on your phone. Okay, Sarah
8 Healy (ph.)? I'm going to unmute you now and you'll have
9 three minutes to make your comments.

10 **MS. HEALY:** Thank you for the Board and all the
11 information you're delivering. It's very very helpful.
12 I have a question about the B2B and employee exemptions.
13 Is that going to be listed under CCP old regs, CCPA,
14 January 1? Or is that also sidelined for now?

15 **MS. URBAN:** Thank you, Sarah Healy, for the question
16 and the comment. We are not able to respond in detail in
17 the public meeting, but I'm going to just ask staff to
18 hear the substance of Sarah Healy's comment and, again, I
19 know staff are working to make sure the website is going
20 to be clear about the different dates. Thank you very
21 much.

22 **MR. SABO:** Next, we have A.J. A.J., you will have
23 three minutes which I will begin timing once you speak.

24 **MR. A.J.:** Hi folks. Not so much a comment, but
25 just hoping, if it would be possible, for Ms. Mahoney to

1 restate which California bills the Agency is considering
2 really briefly. I apologize for that.

3 **MS. URBAN:** Thank you, A.J. We're not considering
4 any bills at the moment. Ms. Mahoney was giving us an
5 update on things that had happened that are relevant to
6 the Agency's subject matter.

7 **MR. A.J.:** Are those bills that have been
8 introduced before the Legislature this year? Is that
9 what those items were?

10 **MS. URBAN:** Yes.

11 **MR. A.J.:** Okay.

12 **MS. URBAN:** I believe they've all been passed. Is
13 that right, Ms. Mahoney?

14 **MS. MAHONEY:** Correct. So, I provided an update on
15 California legislation that was signed by Governor Newsom
16 this past year. And then I provided a brief update on
17 active federal legislation.

18 **MR. A.J.:** Okay. Thank you.

19 **MS. URBAN:** Thank you.

20 **MR. SABO:** If anyone else, oh, apologies. Oh, if
21 there is anyone else who'd like to make a comment, please
22 go ahead and raise your hand at this time using Zoom's
23 raise hand feature or by pressing star 9 on your phone.
24 This is for public comment for agenda item 6, Legislative
25 Policy and Update. Okay, Madam Chair. I am not seeing

1 other hands raised at this time.

2 **MS. URBAN:** Okay. Thank you, Mr. Sabo. In that
3 case, we'll circle back to Mr. Mactaggart. Mr.
4 Mactaggart, please go ahead.

5 **MR. MACTAGGART:** Thanks. I just, you know, in an
6 effort to be sort of consumer friendly here, we had a
7 couple of questions there and just, you know, one
8 question I think was a reasonable question. I just
9 think, you know, an answer we can give because that's
10 just the facts. This is about the employer, employee and
11 the B2B. You know, those provisions expired and the
12 Legislature did not see fit to amend them and, so, as a
13 Board, you know, I would just say that they're not in
14 position now, not in effect after the Legislature did not
15 amend them. So, I just, you know, sometimes people ask
16 questions and I just thought we might want to answer
17 them. So --

18 **MS. URBAN:** Thank you, Mr. Mactaggart. Mr. Sabo,
19 could you please call the vote?

20 **MR. SABO:** Yes. The motion is to adopt the Board
21 policy, Legislative Policy and Update item, as moved by
22 Board member De La Torre and seconded by Board member
23 Mactaggart. Board member De La Torre?

24 **MS. DE LA TORRE:** Aye.

25 **MR. SABO:** De La Torre, aye. Board member Le?

1 **MR. LE:** Aye.

2 **MR. SABO:** Le, aye. Board member Mactaggart?

3 **MR. MACTAGGART:** Aye.

4 **MR. SABO:** Mactaggart, aye. Chair Urban?

5 **MS. URBAN:** Aye.

6 **MR. SABO:** Urban, aye. And, with that, Madam Chair,
7 the motion carries 4-0.

8 **MS. URBAN:** Thank you very much, Mr. Sabo, and thank
9 you members of the Board, and Ms. Mahoney for all your
10 work on this. The motion carries with a vote of 4-0.

11 And, with that, we will move to agenda item 7, which
12 is a discussion of the process for appointing members to
13 the California Children's Data Protection Working Group.
14 Ms. Mahoney is also going to present this item and you
15 will find a memorandum with background on the recently
16 passed California Age Appropriate Design Code Act and the
17 recommended process for the CPPA's appointments to the
18 Working Group in your agenda materials, or sorry, your
19 materials for today under agenda item 7. Thank you, Ms.
20 Mahoney for putting this together for us and please go
21 ahead.

22 **MS. MAHONEY:** Thank you, Chairperson and members of
23 the Board. The California Age Appropriate Design Code,
24 which will go into effect on January 1, 2023, creates the
25 California Children's Data Protection Working Group,

1 which is tasked with submitting a report to the
2 Legislature every two years beginning January 1, 2024
3 until January 1, 2030, then makes recommendations on best
4 practices regarding children's access to online services,
5 products and features. I also note that one of the areas
6 on which the Working Group is directed to make a
7 recommendation is "how the Working Group and the
8 Department of Justice may leverage the substantial and
9 growing expertise of the California Privacy Protection
10 Agency in the long-term development of data privacy
11 policies that affect the privacy rights and safety of
12 children online." The CPPA has two appointments to the
13 Working Group and Working Group members are required to
14 be Californians with expertise in at least two of the
15 following areas, and I'll read them now: children's data
16 privacy, physical health, mental health and well-being,
17 computer science, and children's rights. So there's no
18 deadline for appointing members to the Working Group, but
19 the first report is due no later than January 1, 2024 and
20 appointments can begin as early as January 1, 2023, the
21 effective date of the bill.

22 Staff recommends that the Board delegate to the
23 Executive Director the authority to appoint the Working
24 Group members. This will allow for a more thorough and
25 candid processing and, if the Board does make such a

1 delegation, we recommend that the Board provide general
2 guidance as to the minimum two required qualifications
3 from the list that I just read that successful candidates
4 should possess, as well as any other relevant experience
5 prioritized, and a general timeframe by which to complete
6 the appointments.

7 And I'm happy to answer any questions. And our
8 General Counsel, Mr. Phil Laird, is here to answer
9 questions as well.

10 **MS. URBAN:** Thank you. Thank you, Ms. Mahoney. I
11 have a couple of thoughts, but I will hold them and ask
12 first if there are thoughts from other members of the
13 Board. Mr. Mactaggart, please go ahead.

14 **MR. MACTAGGART:** Yeah. And, sorry, is the proposal
15 to give, delegate to the Director the appointment power
16 with a return to the Board to confirm the appointment,
17 you know, recommendations. You know, I guess I would be
18 comfortable with giving the Director the power to, you
19 know, make the recommendations and then bringing it back
20 to the Board to approve. Is that the proposal?

21 **MS. URBAN:** Thank you, Mr. Mactaggart. I think the
22 proposal was to delegate to the Executive Director the
23 ability to appoint the Board members.

24 **MR. MACTAGGART:** And I guess my, is there any issue
25 if, you know, because I understand, obviously, it's

1 earlier to do this, from a procedural point of view, if
2 the Director has some flexibility to do that. But is
3 there anything to, you know, stop the Director coming
4 back with the recommendation for the two people and that
5 would just essentially be an agenda item that we could
6 look at. I do think that might be a nice way of,
7 splitting the baby so to speak, you know, giving the
8 responsibility, but allowing us to have the oversight.

9 **MS. URBAN:** Thank you, Mr. Mactaggart. And your
10 thought would be that it would be something like a Senate
11 confirmation where there is one appointee for each slot.
12 My worry would just be, I don't want people to be
13 subjected to some kind of --

14 **MR. MACTAGGART:** No. And, I'm sorry, that --

15 **MS. URBAN:** -- interview process in public.

16 **MR. MACTAGGART:** That's not my. I'm sorry,
17 that's --

18 **MS. URBAN:** But you're thinking like, you're
19 thinking like advice and consent from the Senate kind of
20 thing?

21 **MR. MACTAGGART:** I wasn't thinking of the --

22 **MS. URBAN:** But that --

23 **MR. MACTAGGART:** I wasn't thinking of that.

24 Literally, I was thinking that the Director would come
25 back and say, you know, Ms. Brown and Mr. Brown are the

1 two people, you know, I've selected. Here are their
2 resumes. Here are their qualifications. They've agreed
3 to do it. And we'd say, great. I just, that would be a
4 nice way of us having a little bit of oversight, but --

5 **MS. URBAN:** I see. Okay, okay. Thank you, Mr.
6 Mactaggart. So, let's go ahead and have the flavor that
7 is in the memo and the second flavor that is proposed by
8 Mr. Mactaggart sort of on the table as we discuss. Ms.
9 De La Torre?

10 **MS. DE LA TORRE:** I was just going to mention. I
11 think that what Mr. Mactaggart says will give us an
12 opportunity to meet the appointees and also express our
13 support for their appointment, which I think will be,
14 both things will be positive, something that, obviously,
15 is not an interview. Ms. Urban mentioned this. I think
16 it's really important. This position, as I understand
17 it, is not a compensated position. Anybody who
18 volunteers for it is actually going to basically donate
19 their time to the State of California and we should be,
20 you know, very supportive and very welcoming of the
21 appointment that I'm sure will be made by the staff in
22 the most, you know, beneficial way, but something that's
23 a little bit more symbolic. But, yes, bring in the
24 appointees to meet the Board and for the Board to just
25 concur with the appointment. I think it will have value.

1 **MS. URBAN:** Thank you, Ms. De La Torre. Oh,
2 further? You have further to say, Ms. De --

3 **MS. DE LA TORRE:** Oh, no.

4 **MS. URBAN:** No? Okay.

5 **MS. DE LA TORRE:** No.

6 **MS. URBAN:** All right. Mr. Le?

7 **MR. LE:** Yeah. I think meeting the appointees is a
8 good idea. So, you know, I think Mr. Mactaggart's
9 suggestion is a good one. We can kind of split the baby
10 in a way that, yeah, prevents, you know, hiccups and add
11 delays and, you know, doing public interviews and things
12 like that and, yeah, still give us a chance to provide
13 that oversight, meet the Working Group appointees, and,
14 yeah, just give the blessing.

15 **MS. URBAN:** Thank you, Mr. Le. All right. I also
16 had some thoughts on the advice to the Executive Director
17 with regards to the criteria for the Working Group
18 members. I have in mind, in part, Ms. De La Torre's
19 observation that the Working Group members will be
20 providing a great service to the State of California.
21 It's a fairly complicated job. And rather than choose
22 among that list and tell the Executive Director to
23 maximize two things out of that list, I think that I
24 would prefer to just understand that the Executive
25 Director and staff will be referring to the list when

1 looking at candidates and taking any additional guidance
2 the Board might have when looking to candidates.

3 And I have one piece of additional guidance, which
4 for the reasons that I've just stated, I am not saying
5 that I want to impose an additional requirement, but I
6 think that looking to potential Working Group members'
7 experience and expertise, that would allow them to have
8 some insight into different concerns and different issues
9 for children from some of the many diverse communities we
10 have in California who have different forms of
11 marginalization and privilege, and being able to take
12 that into account effectively for all the children of
13 California would be something I would really value in a
14 candidate. So, if staff could take that information from
15 me, I would appreciate that. Ms. De La Torre?

16 **MS. DE LA TORRE:** I just want to echo your words on
17 that point. I think that it will be a disservice for us
18 to identify two areas. First of all, because we don't
19 know the pool of candidates and it's very difficult to
20 anticipate. You know, there might be value in a
21 candidate that maybe doesn't, you know, meet the two
22 criteria that we can select right now. And, in the
23 second place, it is my hope is that the Board as a whole
24 will be balanced, which means to me that, to the extent
25 that our Executive Director might have awareness of the

1 candidates that are going to be appointed by the other
2 appointing authorities, maybe we can seek the candidate
3 that brings to the mix expertise on mental health and
4 well-being, because the other candidates may be, that are
5 being considered or appointed, don't necessarily have
6 that. So my recommendation and my suggestion would be
7 for the Board to just ask, delegate to the Executive
8 Director, as it was proposed, have that opportunity to
9 meet the selected appointees and bless the appointment,
10 and leave the Executive Director the ability to identify
11 which of these are best suited to create a Board that, as
12 a whole, is balanced.

13 **MS. URBAN:** Thank you, Ms. De La Torre. I certainly
14 align myself with Ms. De La Torre's further suggestion as
15 well. Mr. Le?

16 **MR. LE:** Yeah. Both of those suggestions are great
17 and, you know, not to pick out any one criteria, but, you
18 know, I do think a focus on mental health and well-being
19 is a big one. You know, I am concerned around the use
20 of, you know, certain data practices that kind of can
21 really shape young children's minds and kind of, you
22 know, short circuit reward systems and kind of create
23 long-term cognitive issues and focus issues. So, you
24 know, not to say any of those five, you know, we don't
25 consider, but, you know, I think a priority for me would

1 be a candidate, if not already represented in other
2 Working Group members, that is, you know, understands
3 those mental health issues for youth and, definitely
4 second, the idea is that, you know, this is a very
5 intersectional issue, so understanding it from different
6 perspectives, you know, children from different racial
7 backgrounds, different income backgrounds, will be
8 important.

9 **MS. URBAN:** Thank you, Mr. Le. And I know you love
10 all of your criteria equally. Sorry, I had to make a
11 children's joke. I mean, and not to make light of all of
12 the very serious mental health concerns. I agree with
13 Mr. Le and Ms. De La Torre that that is very prominent in
14 my mind as well. Any other further comments from the
15 Board? Yes, Mr. Mactaggart?

16 **MR. MACTAGGART:** Sorry. Just because other people
17 gave them, I would just say to the Director also I think
18 the, especially around younger women, the sort of
19 addictive nature of some of these platforms that show,
20 you know, artificial views of other people and I just,
21 you know, in terms of self-body image, it's just really
22 devastating for young girls. So, just maybe, you know,
23 people who have an expertise in that area.

24 **MS. URBAN:** Thank you, Mr. Mactaggart. Ms. Mahoney
25 and Mr. Soltani, you have information that would help

1 you. If, so, I will work to formulate a motion that
2 takes into account everything we've discussed.

3 **MR. SOLTANI:** Can I make one suggestion? And I
4 appreciate the Board's input. I think this is
5 wonderful and I think the idea to meet the candidate is
6 a good one and provide concurrence. Can I, and I'd like
7 to get the Board's input if, it it's okay to just
8 provide an invitation to the candidate, but allow, if
9 someone doesn't want to appear in front of the public or
10 the Board, just, for any reason, if that would be okay.
11 So, we will, of course, bring the names forward and make
12 it public, but I know some people don't want necessarily
13 appear on, in public.

14 **MR. MACTAGGART:** Can I just actually, to me that
15 would be a red flag. This is a public board. This
16 person's going to be operating in public. It is a very
17 public profile in the biggest state in the country and an
18 issue that is front of mind for the whole world right
19 now. So, if this person can't appear before us on the
20 Board to, basically, get blessed, that would be a huge
21 red flag for me.

22 **MS. URBAN:** Thank you, Mr. Mactaggart. Yes, Ms. De
23 La Torre?

24 **MS. DE LA TORRE:** Just quickly. I didn't think
25 about what Mr. Mactaggart just mentioned, but it makes a

1 lot of sense to me just for my own priorities. So, the
2 board itself, the board that we will be appointing these
3 two persons to, is a board that is subject to the same
4 requirements that we are subject, in terms of publicly,
5 in terms of public meetings. Is that correct?

6 **MS. URBAN:** Yes.

7 **MS. DE LA TORRE:** So, then, yeah. It seems to me
8 that that person, one of the requirements would be to be
9 comfortable with you know, appearing in public and
10 participating in board meetings. It should be a pre-
11 requirement really.

12 **MS. URBAN:** All right. Thank you, Mr. Mactaggart
13 and Ms. De La Torre. That is a good point. So, I will
14 now formulate a motion and ask Mr. Laird if it is
15 appropriate or if I need to amend it, and ask the Board's
16 patience as we get this right.

17 May I have a motion to adopt the process outlined in
18 the memorandum provided by Ms. Mahoney for our discussion
19 today, as amended in today's discussions, to include the
20 Executive Director's chosen appointments to come before
21 the Board for a confirmation process, with the
22 expectation that the Board will be introducing themselves
23 to the Working Group members pursuant, I'm sorry. I'm
24 going to have to start over because I forgot the name of
25 the working group because I'm doing this on the fly. So

1 please forgive me. One more time and I'll remember to
2 put the name of the working group in there.

3 May I have a motion to adopt the process outlined in
4 the memorandum provided by Ms. Mahoney for our discussion
5 today, as amended in today's discussion, to appoint
6 members to the California Children's Data Protection
7 Working Group pursuant to Civil Code 1798.99.32, and to
8 delegate to the Executive Director of the California
9 Privacy Protection Agency the authority to appoint those
10 members, with the expectation that the Executive Director
11 will bring his chosen appointees to a future Board
12 meeting for confirmation and introductions by the Board?
13 Mr. Laird, is that okay?

14 **MR. LAIRD.** I think that will suffice, absolutely.

15 **MS. URBAN:** Okay. I put the confirmation at the end
16 and that made it easier to get through all of the items.
17 All right. May I have a motion --

18 **MR. LE:** So moved.

19 **MS. URBAN:** Thank you. Mr. Le has moved. May I
20 have a second?

21 **MS. DE LA TORRE:** I second.

22 **MS. URBAN:** Thank you, Ms. De La Torre. Motion is
23 made and seconded. Mr. Sabo, is there any public
24 comment?

25 **MR. SABO:** Members of the public who would like to

1 make a comment at this time, please go ahead and raise
2 your hand using Zoom's raise hand feature or by pressing
3 star 9 on your phone. This is public comment related to
4 the agenda item 7. Again, if you'd like to speak on
5 agenda item 7, please raise your hand at this time using
6 Zoom's raise hand feature or by pressing star 9 if you're
7 joining us by phone. Madam Chair, it doesn't appear as
8 though we have any members of the public wishing to speak
9 at this time.

10 **MS. URBAN:** All right. Thank you, Mr. Sabo. In
11 that case, would you please call the vote?

12 **MR. SABO:** Yes. The motion is that which was stated
13 by the Chair, moved by Board member Le and seconded by
14 Board member De La Torre. Board member De La Torre?

15 **MS. DE LA TORRE:** Aye.

16 **MR. SABO:** De La Torre, aye. Board member Le?

17 **MR. LE:** Aye.

18 **MR. SABO:** Le, aye. Board member Mactaggart?

19 **MR. MACTAGGART:** Aye.

20 **MR. SABO:** Mactaggart, aye. Chair Urban?

21 **MS. URBAN:** Aye.

22 **MR. SABO:** Urban, aye. And with that, Madam Chair,
23 the vote passes 4-0.

24 **MS. URBAN:** Thank you, Mr. Sabo. The motion has
25 carried with a vote of 4-0. Thank you very much, Ms.

1 Mahoney and Executive Director Soltani for your work on
2 this. We'll look forward to your appointments and
3 meeting them in a future Board meeting, and for their
4 future work on children's privacy.

5 With that, we will now move to agenda item 8, an
6 update from the new CPRA Rules Subcommittee. We haven't
7 had a subcommittee update in a bit, so just as a brief
8 background, Bagley-Keene allows for subcommittees of two
9 people to act in an advisory capacity for the Board. In
10 the June 14 and Sep 7 and 8, 2021 meetings, we formed
11 several advisory subcommittees to help us progress
12 towards priorities while staffing was being put in place.
13 Among those were subject matter-based subcommittees to
14 advise the Board on the Agency's initial rulemaking. The
15 new CPRA Rules Subcommittee has been working to advise
16 the Board on a set of items that are new in the
17 California Consumer Privacy Act with the amendments from
18 the California Privacy Rights Act of 2020. The new CPRA
19 Rules Subcommittee is Ms. De La Torre and Mr. Le. And,
20 if they are ready, I will turn it over to them.

21 **MR. LE:** Great. Thank you, Chair Urban. Mr. Sabo,
22 could you start screen-sharing the presentation? Oh,
23 there you go. Well, great. And can you move to the next
24 slide? As Chair Urban just mentioned, you know, this is
25 a, you know, a broad overview of our assignment for the

1 subcommittee with Ms. De La Torre and I. It covers risk
2 assessments, cybersecurity audits, automated
3 decisionmaking. Next slide please.

4 And, yes, this is the status update. You know, I'm
5 going to talk a lot right now, so, you know, I apologize
6 in advance. But, yeah, our current status is, you know,
7 our subcommittee has a working draft of the proposed
8 rules for risk assessments, cybersecurity audits,
9 automated decisionmaking. However, we have decided to
10 identify topics that would benefit from additional public
11 input. You know, we reviewed all of the comments that
12 came in before. There are some decision points that we
13 thought it would be valuable to have more input because
14 these are complex topics that merit additional feedback
15 and, particularly, because California will be one of the
16 first jurisdictions to issue rules on this topic.

17 Some of the questions maybe look familiar to you
18 all, but they delve a little bit deeper. There's more
19 specificity to them around different frameworks and that
20 will help us kind of finalize the rules in our working
21 draft.

22 And, you know, so the goal of today's presentation
23 for the Board is to essentially solicit feedback from the
24 Board to help inform our next steps. And, you know, the
25 feedback, we would welcome to our, you know, on the

1 topics we wish to discuss, the sample questions we
2 provided, and any proposed next steps that you decide you
3 think we should take.

4 I want to note that the Board can provide feedback
5 to us directly during today's meeting on the questions
6 that we bring up. There is an attachment in the meeting
7 materials. Board members can also provide feedback
8 directly to staff after this meeting and then staff would
9 consolidate that and provide, you know, could edit the
10 questions and present it to the Board for a final review.

11 For today, we want to focus mostly on the proposed
12 topics, the sample questions and next steps, and I really
13 recommended that, you know, if there is any feedback you
14 have on the questions today, you know, please provide it
15 now, but you'll have time afterwards.

16 And then, finally, I wanted to pull in Ashkan, the
17 Executive Director, Mr. Soltani, to kind of discuss the
18 timing for this. You know, ideally we'd get this out,
19 you know, these questions out immediately, but there is a
20 step-wise process. I kind of want to get this first
21 rulemaking package completed first before we, you know,
22 dedicate staff resources to, you know, reviewing
23 preliminary comments for the new rules. But, Mr.
24 Soltani, if you could provide some timing, an update on
25 timing, for us. And, Chair Urban, any questions you may

1 have.

2 **MS. URBAN:** Thank you. Well, maybe I'll wait for
3 Executive Director Soltani because he might actually
4 answer my questions.

5 **MR. SOLTANI:** Sure. So, in terms of timing, I
6 appreciate the subcommittee's guidance here and
7 flexibility. Staff's opinion was to do this in sequence
8 rather than parallel with the existing rulemaking to both
9 best manage resources to allow us to finish the existing
10 rulemaking, but also kind of try to avoid situations
11 where we have an informal request for comment and a
12 formal comment period open at the same time, as that will
13 create not only additional work but perhaps confusion on
14 the part of the public on where they should direct which
15 comments to. So, for that reason, we would expect, given
16 the update provided by the rulemaking, to do this
17 sometime after the package has been, at the very least,
18 provided to OAL, if not approved by OAL. But I'm happy
19 to take direction of the Board if that's not, if it's not
20 ideal.

21 **MS. URBAN:** Okay. I still have my question. Thank
22 you, Executive Director Soltani. I think that I have it,
23 but, forgive me, I'm just hoping to clarify what this is.
24 And, so, putting together the materials and my
25 understanding of our previous processes with the

1 rulemaking package, that it is nearing completion. What
2 I think is happening is that the appendix with the
3 questions, number one, grew at the beginning from answers
4 to questions from the preliminary request for comments
5 that we put out last fall that was on all of the
6 potential topics for rulemaking. Then, we had a package
7 that was many of those topics, but not the ones that the
8 new CPRA Rules Subcommittee has been working through, so,
9 in a separate future package that Mr. Soltani just
10 mentioned, that would be the time to take up these topics
11 in formal rulemaking and what the subcommittee has
12 provided, the expanded questions and topics, they've done
13 their research for today, is that input into a new
14 preliminary request for comment. Do I have that right?
15 I'm just trying to get the picture straight.

16 **MS. DE LA TORRE:** I think that's absolutely right,
17 Chairman Urban. We, basically, are suggesting that we
18 should prepare a new preliminary comment period like the
19 one that we worked together to prepare for the big
20 package and we just have more granular questions. We're
21 hoping to get more granular feedback to finalize our
22 working draft.

23 **MS. URBAN:** Okay. And, so then, the thought would
24 be that the Board would provide feedback on the detailed
25 questions today or, if staff is working to complete it,

1 over the timeline that Ms. Soltani mentioned. Then,
2 Board members would be able to give input to staff. I
3 think that we have to do input today and then input to
4 staff, because under Bagley-Keene, you know, I can't call
5 up Ms. De La Torre and Mr. Le and give my input. We'd
6 have too many --

7 **MS. DE LA TORRE:** Right.

8 **MS. URBAN:** -- too many Board members --

9 **MS. DE LA TORRE:** No, but --

10 **MS. URBAN:** -- that would have to go through staff.
11 Am I understanding correctly?

12 **MS. DE LA TORRE:** Yeah. For clarity, what we are
13 proposing, what we are presenting here, is a draft.
14 After the input that we receive here, we will go into
15 subcommittee. The staff will work on a final version
16 like the one that we prepared together, Chairman Urban.
17 And our plan is to, at that point, release that draft
18 from the subcommittee and allow the staff to reach out to
19 individual members outside of the subcommittee and take
20 any additional input on that document. And that document
21 will be eventually presented to the Board both to
22 initiate the process like we did last time. It wouldn't
23 come back to subcommittee with the comments of other
24 Board members just precisely because of the concerns that
25 you just raised. So that's what we had in mind.

1 **MS. URBAN:** Okay. Thank you. I understand.

2 **MR. LE:** And --

3 **MS. URBAN:** That seems like a great plan to me. I
4 will need more time with this to sort of think and
5 compare to some background information that I have. So,
6 I'm not prepared to offer detailed comments on the
7 appendix today, other than to say I think it's very
8 thoughtfully done. Thank you. I see reflection of the
9 comments that we received previously and thank you for
10 that, but I would like the opportunity to spend a little
11 bit more time with it.

12 **MR. LE:** Yeah, absolutely. And we built in time for
13 that. Essentially, you know, this is just your first
14 look at it. You'll be able to provide feedback, not to
15 us, but to staff on, you know, the eventual questions
16 that will come out in that preliminary rulemaking. And,
17 essentially, after this, we're going to actually talk
18 about some of those topics and, you know, you can get
19 more of a picture around some of the issues that our
20 subcommittee has been dealing with and that can help
21 inform, yeah, any input that you can provide, either
22 directly to staff or at another Board meeting.

23 **MS. URBAN:** Okay. Thank you very much.

24 **MR. LE:** So, yeah, we can go to the next slide. And
25 then if, yeah, thank you.

1 **MS. DE LA TORRE:** Thank you. And what we're looking
2 at right now, the three last slides here, are really a
3 summary of the draft that has been presented as an
4 additional set of materials. We generated this slide
5 just to go over kind of the different bullet-level points
6 for risk assessment, cybersecurity audits, and automated
7 decisionmaking that you will see in the more detailed
8 draft. There is no need to have a detailed conversation
9 about feedback at this point. We welcome any input, but
10 like we said, we have structure it to give Board members
11 time to kind of digest this and see a final version
12 proposed by subcommittee and then engage with the Agency
13 with any feedback that you individually might have. So,
14 I'm just going to go ahead and kind of read the slide,
15 the bullet points. Maybe I'll make some mention to
16 things that we want to highlight and then I will pause
17 and see if other Board members have comments that they
18 want to provide at this time.

19 This first slide reflects a summary of the questions
20 that we are proposing in regards to risk assessment. The
21 first bullet point refers to the idea of bringing to the
22 Board and the Agency awareness around an existing legal
23 requirements and compliance processes that might be in
24 place. This will allow us to be aware of the
25 requirements that already exist and think about whether

1 it make sense for our roles to align to those existing
2 requirements.

3 The question number 2 is related to considerations
4 that we might want to have in regards to communities or
5 individuals that could be more susceptible to harm from
6 data processing practices, and we're hoping that we will
7 have participation from different organizations that
8 represent the interests of these groups that can give us
9 a more thorough understanding of those considerations so
10 that we can bake them into our requirements for risk
11 assessment.

12 The third one relates to the relevant factors for
13 determining when processing presents significant risk to
14 consumers. One of the things that we need to establish
15 is, what is the threshold for an activity to be
16 considered as significantly risky enough to trigger this
17 requirement of a formal assessment? We have considered
18 different approaches that are already implemented in
19 other jurisdictions. Among those approaches that we have
20 considered is the European Data Protection Board
21 guidelines and DPIAs, which establish, I think, it's
22 nine different criteria and, if you meet two of those
23 criteria, then your activities are considered to be high
24 risk. There's a really good presentation that was
25 provided to the Board during the preliminary activities

1 related to the ongoing rulemaking package and I will
2 refer Board members to that presentation for a more
3 general understanding of how those criterias (sic) came
4 to be created in Europe. We are also looking at other
5 jurisdictions, such as Colorado and their proposed rules
6 around risk assessment. So, what we're seeking is,
7 basically, feedback on what those factors should be.

8 The next one is related to requirements for
9 automated decisionmaking, and what we're referring to
10 here is that we initially are conceiving these risk
11 assessments as inclusive of situations where there could
12 be automated decisionmaking and there will be a need to
13 identify in those occasions where there's automatic
14 decisionmaking what are the different items that we
15 expect to be addressed in the formal assessment that are
16 specific to automated decisionmaking. So it's like an
17 overlay of requirements on top of the regular
18 requirements that will apply to any activity that is
19 deemed to be of significant risk.

20 The next one is what should be the submission model
21 for the risk assessments. Our statute establishes that
22 the assessments should be submitted to the Agency, and
23 what we are thinking is whether there's space for not the
24 actual individual assessments, but some form of summary
25 and certification to be submitted to the Agency that is

1 more, it somehow releases the burden on organizations,
2 but also is more functional and accessible in terms of
3 how it provides the information for our staff.

4 So, the last one is considerations in regards to
5 businesses that have less than 25 million dollars in
6 annual gross revenues and that is relevant to the idea of
7 whether we should simplify somewhat the requirements for
8 small businesses and once again we welcome feedback on
9 that space.

10 I'm going to pause here. I'm going to give the
11 other Board members an opportunity to comment. Like we
12 said before, it's okay if there is no comment at this
13 point. There will be a further opportunity for each
14 individual Board member to provide input to this initial
15 set of questions.

16 **MS. URBAN:** Thank you, Ms. De La Torre. I think
17 that's you and me, Mr. Mactaggart. Do you have anything
18 or shall we ask them to move on?

19 **MR. MACTAGGART:** You know, I thought it was a good
20 set of questions and I think, much like you, I'm going to
21 do better once I see something a little bit more firm.
22 And the only thing I didn't see on risk assessments here,
23 but I know it's in here, is just, you've got a business
24 that's had twelve data breaches, you might want to look
25 at it differently, you know, so like the frequency. But

1 I know you're talking it. Some of the stuff talks about
2 it here, so yeah.

3 **MS. DE LA TORRE:** Maybe we should then move on to
4 the next slide. Thank you. So what you will see in this
5 set of questions that relates to cybersecurity audits is
6 that they overlap and they will repeat the questions that
7 relate to privacy assessments. We're thinking about how
8 those two things might be integrated, how we can maybe
9 reuse the criteria for identifying risks in the context
10 of privacy for the triggering of the cybersecurity audit
11 requirements. But, at a high level, the bullet points
12 here related to obtaining information from participants
13 in the comment period, around system legal requirements
14 and compliance processes that might be in place that we
15 might want to import into our rules because we think that
16 they are sufficient and adequate.

17 The next one is in regards to other requirements,
18 such as audits, assessments, evaluations, and best
19 practices, and compliance processes. So it might not be
20 something that is required by law, but there is a
21 possibility that there could be best practices in place
22 that we want to consider while we draft our requirements
23 for cybersecurity audits.

24 And, then, last one relates to the acceptance of
25 cybersecurity audits, assessments, or evaluations. So

1 it's very similar to what I mentioned before, which is
2 public input on whether the Agency should accept
3 cybersecurity audits, assessments, or evaluations
4 completed to comply with other laws or for other
5 purposes, and how businesses could demonstrate to the
6 Agency that those audits, assessments, or evaluations
7 comply with our requirements.

8 Again, I'm going to pause here. I'm going to give
9 an opportunity to other Board members to provide
10 comments. But the idea really for this presentation was
11 to provide advice on the fact that we think we should
12 reopen for comment period and give you some preview of
13 what's coming and give you the time that you might need
14 to provide input.

15 **MS. URBAN:** Thank you. I don't have anything
16 further.

17 **MR. LE:** Okay. If there's nothing, we can move on
18 to the next slide on automated decisionmaking, you know,
19 the questions. There's a couple different categories,
20 but, generally, we're trying to figure out what other
21 existing legal requirements or compliance processes. You
22 know, we've gotten comments from many members of the
23 public saying, you know, there's these certain
24 regulations already out there that cover some of what
25 California is asking for in the statute. So, we're

1 trying to get a bigger picture of, you know, where
2 there's alignment, where we can harmonize with existing
3 rules, and where we need to build on top of existing
4 rules. So, you know, there's questions around that. You
5 know, we have questions around algorithm discrimination,
6 particularly questions 4 and 5 from the automated
7 decisionmaking section. And that will help, you know,
8 question and answers to this will help us determine how
9 to design the access and opt-out rights to address
10 algorithm discrimination and help us refine those rules.
11 You know, we have questions around different sectors, you
12 know. As I mentioned earlier, we had folks from
13 different sectors say, you know, that we have, they have
14 certain rules that are already applicable to them, so how
15 do we design for that. And, also, you know, access and
16 opt-out rights may have different, maybe, you know, you
17 might want your opt-out right in certain situations and
18 we need to build that into the regulations. You know,
19 particularly when there's maybe high risk decisions being
20 made, or you want more access rights when it's a banking
21 decision or, you know, other types of decisions. So,
22 just trying to understand how to calibrate these access
23 and opt-out rights in the statute and in the regulations
24 in a way that works across different sectors, different
25 contexts.

1 And then, finally, you know, more specificity
2 regarding meaningful information about the logic in
3 automated decisionmaking. I think we got a lot of good
4 high level comments and I think we, as a subcommittee,
5 could benefit from understanding, you know, in a context-
6 specific way, does what is meaningful change. Right? So,
7 you may want different information depending on the type
8 of decision being made about you. So, if it's a
9 relatively low stakes one, perhaps there can be
10 different, you know, what is meaningful isn't as, it
11 doesn't have to be as expansive. So, just help and
12 comments to help calibrate around that.

13 So, those are generally the ideas behind why we're
14 asking these questions. I think the, you know, ultimate
15 regulations would really benefit from further refinement
16 and feedback from the public, which is why we're bringing
17 this back for another round of preliminary rulemaking.

18 It think I speak for the subcommittee when I want to
19 thank Mr. Soltani and all the staff that we've gotten
20 over the past couple of months. I think we've definitely
21 seen all the benefits of the new hiring. We have a lot
22 more staff to answer the questions that we have to help
23 us develop the regulations, so we're able to move a lot
24 faster than we were in the past when the Agency was, you
25 know, much smaller. And, so, thank you, Mr. Soltani.

1 Thank you to all the folks that have been helping out our
2 subcommittee.

3 **MS. DE LA TORRE:** I just wanted to take a second to
4 echo that statement. We've been supported tremendously
5 for this presentation. The staff is really working on
6 coming up with thoughtful requirements in an areas this
7 complicated. And I know we can't name them here, but
8 they know who they are. I mean, it's really everybody at
9 the Agency and, in particular, Mr. Soltani for the
10 support of this subcommittee.

11 **MS. URBAN:** Thank you, Ms. De La Torre. Are you
12 open for suggestions from Mr. Mactaggart and me now
13 again? Good. I do have some overarching thoughts to some
14 specific things. Mr. Mactaggart, please go ahead.

15 **MR. MACTAGGART:** Yeah. I don't have any
16 overarching suggestions. I just want to say thank you
17 for this really excellent work. I thought these
18 questions were super comprehensive. I know a lot of
19 people put them together. And, you know, what excites me
20 about these areas is they're so fundamental to the future
21 of privacy in this country and, in many respects, this is
22 one in eight Americans, these will become the standards
23 that, you know, other people will want to, you know,
24 adhere to. So, I think we need to, much like CARB, you
25 know, with the air qualify stuff, I think this is the

1 level we should hold ourselves to, is sort of that kind
2 of level of standard of being able to be something that
3 anywhere in the country can rely on. And it's so
4 fundamental to getting our citizens kind of power balance
5 back with respect to these algorithms which determines
6 how much about how we live our lives that I'm really
7 excited to see this work go ahead and I just want to
8 thank you for your hard work on this.

9 **MS. URBAN:** Thank you, Mr. Mactaggart. So, my
10 overarching suggestions, I think, are almost certainly
11 incorporated in your thinking, but I will offer them
12 just in case they are helpful.

13 The first is Mr. Mactaggart's comment with regard
14 to the first topic. I would encourage you to apply to
15 all of them thinking through and, you know, for example,
16 at the last topic, Mr. Le, it was really clear that is
17 how you're thinking, calibrating requirements and
18 calibrating information forcing mechanisms as fits the
19 situation. So, I appreciate that and just that was kind
20 of something that I though is an overarching goal that I
21 hope you are considering and staff will consider.

22 The second is very obvious. I will say it anyway
23 just in order to have it be expressed explicitly, which
24 is that Ms. De La Torre mentioned that these are very
25 complex. They are very complex. One of the ways in

1 which this particular regulatory package is going to be
2 especially complex is its conversation with a really
3 rapidly developing technological business and social
4 landscape. I heartedly agree with Mr. Mactaggart that we
5 are at a point in society's relationship with these
6 algorithms that requires some kind of intervention and
7 our job is going to be to calibrate as well as we can to
8 provide clear and helpful guidance, solid rights for
9 consumers, and not over-engineer or over-specify the
10 thing so much that it's out of date very quickly. So,
11 and I realize that, you know, that is everyone knows this
12 about this area of law and with regards to algorithmic
13 decisionmaking. I just think it's a particularly pointed
14 challenge for this particular potential regulatory
15 package. And so, in terms of thinking through questions
16 for the public, I would value asking some pretty specific
17 questions that try to get at some of that. You know, you
18 were asking for examples, which is great. There are
19 examples out there. But if those businesses and
20 consumers have specific examples they can give us to work
21 with of how they're using algorithms, how algorithms are
22 being deployed, how they've encountered them in ways that
23 worry them, hopefully that could go into a framework that
24 is, provides good solid guidance to businesses, good
25 solid rights to consumers, lasts as long as it can, and

1 doesn't over-determine things so as to leave some things
2 out. And that, of course, is the beauty of regulation.
3 You know, we have a statute that gives us a lot of clear
4 guidance. Our job with the regulation is to sort of put
5 flesh on the bones of the statute and to provide guidance
6 that then can be updated more frequently than a statute,
7 but still , you know, we'd like it to be helpful for a
8 sufficient amount of time. And I know that's just kind
9 of one of the central challenges of this job, but I
10 thought that I would, I thought that I would mention it
11 because there may be things to work into the questions
12 that would be helpful.

13 I also want to just echo Mr. Mactaggart's eloquent
14 thanks to both of you, to Mr. Soltani, to other experts
15 on the staff, and to all of the experts who joined us for
16 our information session back in the spring, for all of
17 the input into this. I think the work shows that qualify
18 and shows that effort and it's very much appreciated.

19 **MR. LE:** Yeah, I just want to thank you for that
20 input and, you know, your points are well-taken. You
21 know, definitely it is a consideration for us, is like
22 how do we create a framework that can evolve and doesn't
23 require any rulemaking every time technology evolves as
24 well, while also, you know, providing enough guidance for
25 businesses to understand how to implement those

1 regulations. So, yeah, balancing those two is definitely
2 a big consideration for our subcommittee, so thank you.

3 **MS. URBAN:** Mr. Soltani?

4 **MR. SOLTANI:** I just wanted to thank the
5 subcommittee for their expertise and input, both on kind
6 of the issues at stake, as well as the compatibility and
7 harmonization. And I want to especially thank Mr. Laird
8 and the legal team for really switch hitting and
9 supporting this work without kind of interfering and
10 slowing down the existing regulatory package, which
11 effectively means they just worked twice as much instead
12 of just, so I really appreciate that team. I don't think
13 we need to name them, but they know who they are.
14 They've been working really hard to support both
15 subcommittees, well, this subcommittee and the package,
16 so I'm really thankful for the staff, the amount of work
17 they put in so far. So, thank you all.

18 **MS. URBAN:** Thank you, Mr. Soltani. With that
19 discussion, may I have a motion to, and also I will ask
20 Mr. Le and Ms. De La Torre when I finish this to let me
21 know if this sounds right, what I've taken from the
22 conversation and your materials. May I have a motion to
23 direct staff to prepare a set of new rulemaking topics
24 and questions for public comment based on guidance
25 provided by the new CPRA Rules Subcommittee during

1 today's agenda item and presentation, and incorporating
2 any additional guidance from today's Board discussion, to
3 be approved by the Board at a future meeting? Does that
4 sound right?

5 **MS. DE LA TORRE:** To be honest, we were not
6 expecting to lead this to a motion, but if you feel that
7 it is appropriate to do a motion, we are happy to do a
8 motion.

9 **MS. URBAN:** I, simply, was trying to construct what
10 you might need based on your materials.

11 **MR. LE:** I would ask Mr. Laird if that's necessary.
12 I'm a little unclear myself if we need that.

13 **MS. URBAN:** The one thing that I think could be
14 helpful is if Board members are providing input to staff
15 is that a clear demarcation of information that is within
16 the subcommittee and information that is the hands of
17 staff so that Board members can provide input to staff
18 without any question of us having back room conversations
19 amongst ourselves that don't comply with Bagley-Keene,
20 which isn't the intention. But, if we have a clear
21 demarcation of what that material is, it, I think, helps
22 in terms of recordkeeping.

23 **MS. DE LA TORRE:** I just wanted to reassure you that
24 we, you know, Mr. Laird has helped us. Mr. Soltani has a
25 very good awareness of the processes and requirements.

1 So we're very confident that once we finish our work and
2 we provide the draft to them, they will follow the
3 processes that need to be followed to ensure that there
4 are no crossed wires. But, Mr. Laird, if you could
5 instruct us as to whether we should take a motion or
6 maybe we don't need it, that would be really helpful.

7 **MR. LAIRD:** Absolutely, and, first off, I just want
8 to thank this Board for usual, for actually caring and
9 paying attention to the Bagley-Keene Open Meeting Act.
10 It makes my job a lot easier. But I agree with what's
11 been stated and staff is making every effort to ensure
12 that there's no violations and that, you know, streams
13 are kept separate, as discussed. In terms of the need
14 for a motion, frankly, this is the type of, this
15 discussion has been closely followed by staff and we, I
16 think, can take the direction given today since,
17 essentially, the deliverable, as far as I see it, is to
18 come back to this Board with a final product for their
19 consideration. We can do that without a motion. If the
20 Board would prefer a motion, that's also welcome, but a
21 motion is not strictly necessary in this instance. Staff
22 is happy to take this direction. And I'll defer to Mr.
23 Soltani, of course, if there's any clarifications he
24 thinks we need, but from my standpoint, I think we
25 understand what's to be done from this point forward and

1 what we will bring back to the Board at the next meeting.

2 **MR. SOLTANI:** I'll just respond. Thank you, Mr.
3 Laird. Yeah, I think, you know, I think to address
4 Chairperson Urban's point, we can just, perhaps, just set
5 a point where we can signal to the Board when, I don't
6 know if you want to basically signal to the Board at what
7 point it's transferred over to staff, so at what point
8 the subcommittee has kind of finished their touches and
9 released it to staff. So I don't know if, Lydia has her
10 hand up, so maybe you have some idea.

11 **MS. DE LA TORRE:** Well, my suggestion will be if the
12 Board members will agree to just, you know, work on your
13 thoughts around these question, but just hold on to them
14 until a member of the staff proactively reaches out to
15 you for feedback. It should happen in the next few
16 weeks and we will make sure that we work with Mr.
17 Soltani and with Mr. Laird to ensure that there is no
18 crossed wires. And, at that point, you will be,
19 basically, interacting with the staff and the staff will
20 finalize the questions and bring them to, and when we
21 will bring them to the next Board meeting.

22 **MS. URBAN:** Thank you, Ms. De La Torre. If that's
23 good for Mr. Laird, that's good for me. I think we've
24 had quite a clear discussion. Mr. Sabo, is there any
25 public comment?

1 **MR. SABO:** Members of the public, if you'd like to
2 make a comment on agenda item 8 at this time, please go
3 ahead and raise your hand using Zoom's raise hand feature
4 or by pressing star 9 on your phone if you're joining us
5 by phone today. So, again, for agenda item 9, public, or
6 for agenda item 8, apologies, New CPRA Rules Subcommittee
7 Update and Next Steps, if you'd like to comment on that
8 item, please raise your hand using the Zoom feature or by
9 pressing star 9. Madam Chair, I am not seeing any hands
10 raised at this time.

11 **MS. URBAN:** All right. Thank you, Mr. Sabo. Thank
12 you again to Ms. De La Torre and Mr. Le and all the staff
13 who've helped them put this together, and we will look
14 forward to hearing from staff, and the public will all
15 look forward to the next iteration when it comes before
16 the Board again.

17 With that, we will move to agenda item 9, which is
18 the item we have in most meetings in which we invite
19 public comment on items that are not on the agenda.
20 Before we proceed with public comment, please do note that
21 all the Board can do is listen to comments and consider
22 whether it will discuss a topic at a future meeting.
23 Though this may seem at times like Board members are not
24 being responsive, that is not our intention. Following
25 these guidelines is critical to ensure the

1 rules of the Bagley-Keene Open Meeting Act are followed
2 and so that we don't compromise either the commenter's
3 goals or the Board's goals. With that, Mr. Sabo, I would
4 like to open this up for general public comment.

5 **MR. SABO:** Okay. So, again, if you'd like to make a
6 comment, please raise your hand using Zoom's raise hand
7 feature or by pressing star 9 on your phone. First, we
8 have Ryan Carrier. Ryan, I'm going to unmute you and
9 you'll be given three minutes to make your comments. And
10 I'll let you know when your three minutes has expired.
11 So go ahead and proceed when ready.

12 **MR. CARRIER:** Thank you, Chair Urban, and
13 distinguished panel members. Can you hear me okay?

14 **MS. URBAN:** We can. Please go ahead.

15 **MR. CARRIER:** Excellent. I'm the Executive Director
16 of ForHumanity, non-profit public charity established
17 with a very simple mission to examine and analyze
18 downside risks from AI algorithmic and autonomous
19 systems, and engage in risk mitigations on those systems
20 for the maximum benefit from these tools for humanity.
21 Our primary work is independent audit of AI systems.
22 We've worked for twenty-six months with the ICO on both
23 GDPR and children's code certification schemes, and we
24 are now prepared to offer to the State of California CCPA
25 certification schemes and age-appropriate design

1 certification schemes. I would ask you to consider how
2 to receive these schemes. In other words, is it a Board
3 function? Is it an Agency function? Is it the Attorney
4 General's function? This would be a new process in the
5 State of California, I imagine, as well as across the
6 United States. It hasn't been enacted since 1975 when
7 the FCC approved GAP for financial accounts and
8 reporting. And that's what we're aiming to replicate
9 with this infrastructure of trust through independent
10 audit of AI systems. We have entire certification
11 schemes available for CCPA and age-appropriate design
12 code, but we don't claim any authority and we don't seek
13 any authority. We seek to submit these tools to you as
14 authority for your approval if you are interested in
15 establishing this kind of infrastructure trust. We're
16 independent auditors abiding by the Sarbanes-Oxley
17 definition of independence. We can engage in providing
18 assurance of governance, oversight and accountability
19 that match the law. And, so, on behalf of our 1,200
20 members who are all volunteers from 77 countries around
21 the world, we are providing this service, if you are
22 interested, because it enhances global harmonization of
23 compliance with privacy laws, EU AI Act, for example, as
24 well, and it allows for better assurance of compliance
25 with the laws that you are so aptly defending, and I want

1 to also thank you for the work that you did in support of
2 Californians as a function of the federal law that was
3 proposed. That was a wonderful response and I greatly
4 appreciate the effort you put into that. So I would ask
5 the Board to consider how to approach these kind of
6 certification schemes and how we might offer them to the
7 State of California. Thank you very much.

8 **MS. URBAN:** Thank you very much. Mr. Sabo, is there
9 further public comment?

10 **MR. SABO:** I don't see any at this moment. If any
11 other members of the public would like to speak at this
12 time, this is agenda item 9, Public Comment on Items Not
13 on the Agenda, please go ahead and raise your hand using
14 Zoom's raise hand feature or by pressing star 9 if you're
15 joining us by phone today. Again, that's the Zoom raise
16 hand feature or by pressing star 9. Madam Chair, I'm not
17 seeing any additional speakers at this time.

18 **MS. URBAN:** Thank you, Mr. Sabo. And, as a
19 reminder, the Board is not able to discuss anything
20 brought up under this agenda item other than to discuss
21 whether to put it on an agenda for future discussion,
22 which will be our next agenda items as well.

23 Ms. De La Torre, did you want to --

24 **MS. DE LA TORRE:** I was going to encourage the
25 gentleman who participated to file comments when we open

1 our preliminary rulemaking, but I hope that that's
2 within the realm of what we can do under this agenda
3 item. If it's not, I apologize.

4 **MS. URBAN:** Thank you. I'm happy to bless it, and
5 Mr. Laird hasn't pulled us off the stage yet, but we will
6 now move on just to be safe. Okay. So, we will move now
7 to item 10, Future Agenda Items. This is an opportunity
8 for both members of the Board and members of the public
9 to suggest items for future Board meetings. Of course,
10 we have had a robust discussion on several topics that
11 will be slotted into future Board meetings today. So we
12 do expect to devote time to budget discussions,
13 legislative discussions, and confirmation of the task
14 force members chosen by the Executive Director under
15 items we've discussed today. We will expect to discuss
16 again the work on the new CPRA rules that we discussed
17 earlier today.

18 We also have a few items that are on my list that we
19 will be getting to as soon as we can, which includes
20 input by the Board on the hiring of the Deputy Director
21 of Public Affairs; I believe there's some ongoing work
22 with public awareness; and we've talked about various, to
23 let staff know if there are any expert presentations the
24 Board would still like -- we now have some experience
25 under our belts, but we do have new Board members and

1 probably a new Board member coming soon; and we will be
2 having a discussion of a sort of structural organization
3 for how we think about allocating work, including with
4 subcommittees, and now that we are staffed with a very
5 competent staff and we are heading into a new stage of
6 maturity, and we'll have a new Board member soon.

7 So those are the items I have jotted down on my list
8 at the moment. Are there further agenda items to add to
9 the list of consideration from Board members? Mr.
10 Mactaggart?

11 **MR. MACTAGGART:** Thank you, Madam Chair. So, you
12 know, on the first of the two-day, first day of the two-
13 day meeting we had back in whenever it was, October, at
14 the end of the meeting, I raised a number of items and
15 said, and I think a couple of Board members had some
16 others as well, that I requested be the subject of future
17 rulemaking, you know, examination by the administration.
18 So I would just love to get an update on kind of what the
19 timeframe, I know everything's busy, so I'm not, you
20 know, I get we're trying to get this first package out
21 the door, but I just wouldn't mind a sense of when I
22 could expect something from administration. And then, as
23 I went back through the package, I realized that I had
24 forgotten to raise one item, which I kind of wanted to,
25 so maybe I can hear the first, and then if it's

1 appropriate, I can bring up the second one that I
2 mentioned.

3 **MS. URBAN:** So, I'm going to ask Mr. Laird to just
4 be sure that we are doing this correctly, but I believe
5 that Mr. Mactaggart can suggest a specific rulemaking
6 topic for future Board discussions under this agenda
7 item, correct?

8 **MR. LAIRD:** Absolutely, yes.

9 **MS. URBAN:** Okay. So we will do that in just a
10 moment. And then in terms of the items that came up at
11 the end of our October 28-29 meeting, I do know there is
12 a list of those. Mr. Mactaggart, I apologize. I didn't
13 put them in my list to go through them all today. Does
14 Mr. Soltani or other members of staff have a sense of
15 whether that is something that will be taken up when the
16 package that is in process is out and sort of in parallel
17 with the topics from the new CPRA Rules Subcommittee, or
18 do you have an idea of it, or shall we hear about that in
19 the next meeting, Mr. Soltani?

20 **MR. SOLTANI:** That's a great question. We can,
21 Phil, I don't know if you want to respond, but my
22 instinct is to take that timeline once we have a better
23 sense in the New Year, in January, as to kind of
24 completion of the rules, as well as the delegation, and
25 the question you asked earlier, Mr. Mactaggart, of, you

1 know, whether there can be pieces that are forked off.
2 And, so, potentially, the pieces that are, if there are
3 pieces that are forked off, the pieces that you have
4 suggested to revisit and the pieces of like rulemaking
5 that we might consider as part of the new rules package,
6 all will be part of future rulemaking. And, so, I think
7 we'll need to discuss as a Board how you all would want
8 to prioritize and sequence them. I do stress wanting to
9 sequence them for a number of reasons, but I'm happy to
10 do that in whatever sequence the Board feels appropriate.
11 And then I think to your point, it seems like we should
12 talk about those, but, I guess, in sequence, but I guess
13 there's nothing preventing the Board, if they choose to,
14 to talk about those issues, you know, and kind of
15 deliberate on those issues in advance of the rules, but
16 I'll let Phil correct me if I'm wrong about that.

17 **MR. LAIRD:** You're not wrong about that. I was
18 going to jump in to just add that, certainly, discussions
19 can start sort of as the Board is ready to engage on
20 those topics, but I would strongly encourage that we at
21 least conclude the current rulemaking before we formally
22 start any additional rulemaking, especially involving
23 amendments of those regulations currently under
24 consideration.

25 **MS. URBAN:** Thank you very much, Mr. Laird. Okay,

1 Mr. Mactaggart, I will go to Ms. De La Torre in a second,
2 but I know you said you thought of something else that
3 you wanted to add to the list, so please add it.

4 **MR. MACTAGGART:** Sure. So, it's right back in the
5 weeds here, but it's with proposed regulation 7050(a)(4).
6 And, so, this was service providers, contractors, third
7 parties, and this is an exception to allow them to
8 retain, use and dispose of information except for a
9 couple of things. And I'd forgotten to bring this up;
10 (a)(4), the new language allows the service provider to
11 not, you know, to not delete or whatever, to keep on
12 using in order to prevent, detect, or investigate data
13 security incidents. And this reminds me of something
14 that happened in 2019 when CCPA was kind of, before CPRA
15 passed, when CCPA was under threat in the Legislature.
16 And I am very concerned about the breadth, Mr. Soltani,
17 of that language because I could, if I were, you know, a
18 mal-intentioned actor, say, well, I'm always going to
19 keep your information, I'm never going to delete it
20 because I am going to prevent some future problem that I
21 don't even have right now. And I think you'll recall,
22 Mr. Soltani, we went through that with, what was it? AB
23 something or 14 something; it was a bill that was
24 pending. And so I think it's, I understand the intention
25 --

1 **MS. URBAN:** Mr. Mactaggart, I do want to pause and
2 just check in. I've captured the item, I think, but I
3 think we can't discuss the substance of it, although
4 you're welcome to talk about it with staff.

5 **MR. MACTAGGART:** Okay. Sorry. I thought we were --

6 **MS. URBAN:** Is that right, Mr. Laird? I'd like to
7 give him as much room as possible, but I also want not to
8 go beyond what we're allowed to do.

9 **MR. LAIRD:** Yes. I would advise at this time that
10 we can certainly identify specific topics for future
11 agenda items, but I would discourage any sort of formal
12 discussion on the substance of them at this time.

13 **MR. MACTAGGART:** Okay. But, question; if I'm
14 bringing something up, how do I say why I'm bringing it
15 up? I've got to be able to say why I'm bringing it up.
16 Like, it gets hard to just bring it up in a vacuum and
17 say please look at these words. I have to say why I
18 think they're a problem because --

19 **MS. URBAN:** I think that you can certainly provide
20 that input to staff and, when we do take it up in a
21 future agenda item, then we'll have the discussion about
22 why and what amendments are being recommended.

23 **MR. MACTAGGART:** Okay. Well, anyway, that's one.
24 And then the other question I was going to have was, so,
25 if I understand you correctly, and, you know, this is the

1 month, this is a huge rule package, obviously, is the
2 main one. But, then, in the future, I just would like to
3 have more clarity on, I'm imagining, given on how much
4 things change, that there's always going to be on the
5 boil some rules. And, so, whether we do it at every
6 meeting or every other meeting, it just, it feels like
7 there, it would be useful to have a, I don't think, kind
8 of, we're only going to update the rules once a year is
9 going to work. So I'd love to have some kind of thought
10 around what our policy is for sort of that ongoing you
11 could have a rule here and, you know, you don't want to
12 take up the whole meeting every time with rules, but I do
13 think there should be a process for kind of regular
14 update to rules.

15 **MS. URBAN:** One second. I'm just making sure I get
16 this down. So, I heard, possibly, Mr. Mactaggart, two
17 parts to that, and I just want to be sure I have it
18 right. One is making sure there are regular updates for
19 clarity as to what's in process, what's on the boil. And
20 the second part is a process so that we all have a good
21 understanding of how updates to the regulations will be
22 coming before the Board in a more general sense. So
23 there were two parts. There was an updates part and a
24 process part. Yes?

25 **MR. MACTAGGART:** I think you're doing a better job

1 of explaining what I said than I did. I think all I had
2 simply said was there should be a regular process for
3 making the rules, you know, changing rules. But I think
4 you're bringing up a good second part of that, which is
5 that we should be updated about how things are going
6 along as well.

7 **MS. URBAN:** Thank you, Mr. Mactaggart. Ms. De La
8 Torre?

9 **MS. DE LA TORRE:** Thank you, Chair Urban. So I also
10 have two items. One, I think it really overlaps with the
11 conversation that you were just having and it's about
12 learning better how Board members that are not part of
13 the subcommittee that proposed rules can engage with the
14 Agency in terms of improving on any particular rule.
15 This relates to, in my case, to rule 7002. I was hoping
16 to have an opportunity to work with the staff in between
17 meetings to propose an improved version and we just,
18 there's a little bit of lack of clarity as to what were
19 the wishes of the Board when we had that conversation.
20 So, if we could bring an item in the next meeting about
21 how can we engage with the Agency in terms of improving
22 on any particular rule and what kind of support, in terms
23 of support from staff, we should get as individual Board
24 members. That would be really helpful.

25 The other one is really clear and simple, but I'm

1 going to pause here. I know that you need to summarize
2 it. I just want to give you time to make sure that you
3 have that and ask questions if there are questions.

4 **MS. URBAN:** Thank you, Ms. De La Torre. I think I
5 have it. You were asking for, this I read as kind of a
6 combination of the process and some of that background
7 information that we have been receiving periodically,
8 learning more about how a Board member who's not member
9 of a subcommittee considering a specific part of a
10 regulation will be able to provide input on that part of
11 the regulation that the Board member is not on the
12 subcommittee for. You gave the example of 7002 of the
13 current proposed rulemaking --

14 **MS. DE LA TORRE:** Uh-huh.

15 **MS. URBAN:** And, so what we are looking for is some
16 understanding of the options and then a process for how
17 Board members can engage with the Agency and get support.
18 So, I think that was pretty clear. Your second item?

19 **MS. DE LA TORRE:** So the second item is very short.
20 It's one of the consequences of Mr. Thomas (sic) stepping
21 down from the Board is that one of the subcommittees I'm
22 a member of, the Process Subcommittee, right now only has
23 one member and, so, I believe that we should bring up to
24 the Board the idea of appointing a new member for the
25 Process Committee in our next meeting so that that

1 subcommittee can complete its mandate.

2 **MS. URBAN:** Thank you, Ms. De La Torre. Having lost
3 my subcommittee member, as well, earlier, it's actually a
4 little more complicated in practice, but the request is
5 very simple, as promised, and that is already on my list
6 as the sort of part of the discussion on subcommittees.
7 So thank you for that. Mr. Soltani?

8 **MR. SOLTANI:** If it's okay, I just wanted to
9 capture, separate from Ms. De La Torre's comment, the
10 combination of Ms. De La Torre's first comment and Mr.
11 Mactaggart's first comment. So, Mr. Mactaggart had a
12 question on 7050(a)(4), the exception for service
13 providers and so I've captured that. And then if I
14 understood that correctly, we're effectively, and this
15 kind of reminds me of Ms. Mahoney's presentation on the
16 process for when the Board will receive an update on
17 rules, the Board will, the process for Board members to
18 propose rules, as well as staff to propose, you know,
19 changes we might recommend, and then another kind of
20 process of prioritizing which of those then we first take
21 up and allocate resources to. So I kind of see that as
22 one kind of bucket similar to what Ms. Mahoney laid out
23 in these regular intervals where there will be
24 opportunity over the year, as well as regular check-ins.
25 Do I have that right? Is that what the Board's kind of

1 asking for?

2 **MS. URBAN:** I believe that was, I believe that was a
3 little bit of substance on what it might look like,
4 Executive Director Soltani, but I think those are
5 components of requests that we would --

6 **MR. SOLTANI:** Yeah.

7 **MS. URBAN:** -- offer discussion in future Board
8 meetings --

9 **MR. SOLTANI:** Okay.

10 **MS. URBAN:** -- from Board members, yes. We've
11 embroidered on Mr. Mactaggart's statement a little bit,
12 but I'm sure he'll object if we've embroidered too much.
13 And I apologize for my earlier embroidery. Okay. Are
14 there further suggested future agenda items from Board
15 members?

16 All right. Mr. Sabo, are there any suggested future
17 agenda items from members of the public?

18 **MR. SABO:** I don't see any hands raised at this
19 time. If you'd like to make a suggestion per the Chair's
20 direction, please go ahead and raise your hand using
21 Zoom's raise hand function or pressing star 9 on your
22 phone. This is for agenda item 10, Future Agenda Items.
23 Again, if you'd like to recommend something to the Board,
24 please go ahead and raise your hand. I'm not seeing any
25 hands at this time.

1 **MS. URBAN:** Thank you, Mr. Sabo. And thank you to
2 the Board and to the public for the helpful information
3 the on the last two agenda items.

4 I'm going to pause here and talk a little bit about
5 process because our next agenda item, which is our last
6 substantive item on the agenda, is a closed session item.
7 The Board will be moving into closed session for a
8 discussion of the Executive Director's annual review
9 under authority of Government Code Section 11126,
10 Subdivision A, Paragraph 1. So the process is that the
11 public session here will remain open while the Board is
12 in closed session. We will return to this public
13 session, but we have put our closed session discussion at
14 the end of the substantive agenda. So we will simply be
15 returning to adjourn the meeting and I say this just so
16 the public, members of the public who are joining us
17 today, have full information about our plans when we come
18 back. We are planning simply to adjourn at that time.
19 You're welcome to stay with the public session open and
20 we will return as soon as we can.

21 Secondly, is there any public comment on this final
22 agenda item before we go into closed session?

23 **MR. SABO:** Again, if you'd like to make a comment,
24 please raise your hand using Zoom's raise hand feature or
25 by pressing star 9 if you're dialing in by phone. I'm

1 not seeing any hands raised.

2 **MS. URBAN:** Okay. Thank you very much, Mr. Sabo.

3 In that case, anticipating that some members of the
4 public may wish to not return, I will take the
5 opportunity now to thank the Board members for all of
6 their thoughtful discussion today; Mr. Sabo for his
7 moderation so far -- I know he will be, he'll continue
8 moderating, but I will thank him now -- Ms. Mahoney, Mr.
9 Laird and Mr. Soltani for all the work they've done for
10 us that they presented to us today; the new CPRA Rules
11 Subcommittee for all of their wonderful substantive work.
12 And I'd like to wish everyone a happy holiday season full
13 of warmth and light as winter holidays are meant to help
14 us evoke.

15 And, then, for members of the Board, please repair
16 to the closed session Zoom link. I'd like to start at
17 1:30, if that's all right, so that I can gather some
18 necessary materials, and I will plan to see you all there
19 then.

20 Members of the public, we will see you when we come
21 back to adjourn, if you'd like. Otherwise, again, thank
22 you very much and we appreciate your time.

23 Thank you Board members. Let's move to the closed
24 session.

25 (Whereupon, a recess was held)

1 **MS. URBAN:** Welcome back everyone. As mentioned
2 before the Board moved to closed session, our final item
3 is adjournment. I would like to report out that the
4 Board took no votes in our closed session meeting. Our
5 final agenda items is 12, Adjournment. I would like to
6 thank everyone, Board members, staff, members of the
7 public, for their contributions to the meeting and to the
8 Board's work. Thanks so much to everyone today. May I
9 have a motion to adjourn the meeting?

10 **MR. LE:** I'll make the motion.

11 **MS. URBAN:** Thank you, Mr. Le. May I have a second?

12 **MR. MACTAGGART:** Second.

13 **MS. DE LA TORRE:** I second.

14 **MS. URBAN:** Thank you, Mr. Mactaggart. I have a
15 motion and a second to approve, I have a motion and a
16 second to adjourn. Mr. Sabo, would you please perform
17 the roll call vote?

18 **MR. SABO:** Yes. The motion is to adjourn. Board
19 member De La Torre?

20 **MS. DE LA TORRE:** Aye.

21 **MR. SABO:** De La Torre, aye. Board member Le?

22 **MR. LE:** Aye.

23 **MR. SABO:** Le, aye. Board member Mactaggart?

24 **MR. MACTAGGART:** Aye.

25 **MR. SABO:** Mactaggart, aye. Chair Urban?

1 **MS. URBAN:** Aye.

2 **MR. SABO:** Urban, aye. With that, the motion
3 carries in a vote 4-0.

4 **MS. URBAN:** Thank you very much, Mr. Sabo. The
5 motion has been approved by a vote of 4-0, and this
6 meeting of the California Privacy Protection Agency Board
7 stands adjourned. Thank you very much.

8 (End of recording)

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