



State of California California Privacy Protection Agency

To: California Privacy Protection Agency Board
(Meeting of September 8, 2023)

From: Philip Laird
General Counsel
California Privacy Protection Agency

Date: August 25, 2023

Re: Delegation to the Executive Director to Act on Behalf of the Agency Between Meetings

This memorandum provides staff's recommendation to the Board to extend its delegation to the Executive Director to act in the name of the Agency between meetings of the Board until otherwise rescinded or amended. Attachment A to this memorandum is a draft delegation reflecting staff's recommendation for the Board to consider during the September 8, 2023 meeting.

Background

The California Consumer Privacy Act (CCPA) establishes the Agency and vests it with full administrative power, authority, and jurisdiction to enforce the Act. Civ. Code § 1798.199.10. The Agency is governed by a five-member board, including the Chairperson. *Id.* The law reserves to the Board certain duties and obligations: appointing an Executive Director, resolving enforcement actions, and exercising rulemaking authority. *See id.* §§ 1798.199.30, 1798.199.35. All authority not expressly reserved to the Board may be delegated to the Chairperson or Executive Director. *Id.* § 1798.199.35.

Since the Executive Director's appointment in 2021, the Board has delegated authority to the Director to act on behalf of the Board between meetings twelve-months at a time. The Board's annual meeting calendar—adopted at its May 15, 2023 meeting—contemplates continuing to renew the Executive Director's delegation for one-year periods every September; however, should the Board continue that practice, the delegation will necessarily have to occur at earlier meetings each year to avoid any unintended lapses in the Executive Director's delegation. To avoid such an issue, the Board may instead delegate authority to the Executive Director to act on the Agency's behalf between meetings ongoing, until rescinded or modified by the Board.

Recommendation

Staff recommends that the Board delegate to the Executive Director the authority to act in the name of the Agency between meetings as necessary for the efficient day-to-day administration of the Agency. For clarity, staff recommends that the delegation also incorporate the delegations made at its July 2023 meeting, relating to probable cause hearings and hiring of the Chief Privacy Auditor.

ATTACHMENT A

CALIFORNIA PRIVACY PROTECTION AGENCY

2101 Arena Blvd
Sacramento, CA 95834
www.cppa.ca.gov

**Delegation to the Executive Director**

Pursuant to Civil Code section 1798.199.35, the California Privacy Protection Agency ("Agency") Board ("Board") delegates to the Agency's Executive Director, Ashkan Soltani, the authority to act in the name of the Agency between meetings, to the extent necessary for the efficient day-to-day administration of the Agency. This delegation incorporates by reference the specific, limited delegations made to the Executive Director at the Board's July 14, 2023 meeting. As required by law, this delegation does not allow for the Executive Director to resolve enforcement actions or exercise the Board's rulemaking authority.

This delegation shall continue until rescinded or modified by the Board.