

MEETING OF THE
CALIFORNIA PRIVACY PROTECTION AGENCY

(Pages 1 - 215)

Location: California Public Utilities Commission
Auditorium, 505 Van Ness Avenue, San Francisco, CA
94102
Date: Friday, November 7th, 2025
Transcribed by: Brandon Iorlano

1 APPEARANCES:

2
3 Jennifer M. Urban - Chairperson

4 Drew Liebert - Board Member

5 Jill Hamer - Board Member

6 Alastair Mactaggart - Board Member

7 Philip Laird - General Counsel

8 Liz Allen

9 Lisa Kim

10 Michael S. Macko

11 Maureen Mahoney

12 Megan White

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

Welcome to the November 7th, 2025 meeting of the California Privacy Protection Agency board. It's 9:07 a.m., and we are meeting in San Francisco. I'm pleased to be here with my fellow board members and members of the public, each of whom are both here in person and virtually via Zoom.

Good morning, Board Member Mactaggart.

Please bear with us if we experience any

1 technical issues. We will pause to address them if
2 we need to.

3 The physical side of today's meeting is
4 being held at the California Public Utilities
5 Commission in San Francisco. We really appreciate
6 the CPU's hospitality in not only allowing us to use
7 their auditorium, but also providing the AV backup
8 and assistance today. Thank you to the gentleman in
9 the control booth in the back.

10 Today's meeting will follow the
11 Bagley-Keene Open Meeting Act, as required by law.
12 The agenda and all supporting materials are available
13 here in San Francisco and on the CPPA website. You
14 may notice board members referring to their laptops,
15 phones, or other devices during the meeting. They
16 are using the devices solely to access board meeting
17 materials.

18 The board welcomes public comment, and I
19 will call for it as we move through the agenda today.
20 Please do note the rules for public comment: Each
21 speaker will have three minutes to make their comment
22 on any given agenda item. Under the Bagley-Keene
23 Open Meeting Act, both board members and the public
24 must limit their discussion to the item being
25 discussed that's on the agenda, and do not discuss

1 items outside the agenda. Accordingly, please limit
2 your comments to the agenda item being discussed.

3 That said, there are two exceptions to
4 this rule. First, we have an item for general public
5 comment. This is number eight on our agenda for
6 today -- if you'd like to look -- titled "Public
7 Comments on Items Not on the Agenda." Please note
8 that this item is for the public. The board cannot,
9 itself, comment on items not on the agenda.

10 In addition, the board can only listen to
11 comments that we receive. Second, if you have a
12 suggestion for a topic that the board should consider
13 at a future meeting, you can bring that up under
14 Agenda Item No. 9 today, which is dedicated to --
15 designated for proposing future agenda items.

16 A little bit about meeting logistics.
17 This is a hybrid meeting. Public comment is welcome,
18 both in person and via Zoom. After each agenda item,
19 I will call -- I'll provide an opportunity for
20 questions and discussion by board members. I will
21 then invite public comment and each speaker will have
22 the three minutes per item I mentioned.

23 If I happen to forget to call for public
24 comment on an item, just raise your hand, either on
25 Zoom or in the room physically, and the moderator

1 will make sure you're recognized. If you're joining
2 via Zoom and you wish to speak on an item, please
3 wait until I call for public comment, and use the
4 raise hand feature under reactions, which is located
5 at the bottom of your Zoom screen.

6 If you're joining by phone, press
7 "star-9" to show the moderator that you are raising
8 your hand. That's "star-9." And then, when it's
9 your turn, the moderator will call on you and unmute
10 you. You can make your comment, and when you are
11 finished, the moderator will mute you. If you are on
12 Zoom and -- if you're on the phone -- apologies --
13 you need to press "star-9" to unmute yourself when
14 the moderator calls on you, and she will mute you
15 again when you're done.

16 Please note that the board cannot see you
17 if you're a Zoom participant. We can only hear your
18 voice. If you'd like, you may identify yourself --
19 and we do find that helpful. But this is completely
20 optional. You can either use a pseudonym, or no name
21 at all. And you can use a pseudonym when you log in
22 to Zoom.

23 If you're here in person and wish to
24 comment on the item, please wait for the public
25 comment period to be announced and form a line at the

1 podium to my left and downstage to the right. When
2 you are called, please speak clearly and directly
3 into the microphone, so remote participants can hear
4 you and your remarks are recorded in the meeting
5 record. Again, it's helpful to state your name or a
6 pseudonym, but that is in no way required.

7 These hybrid meetings can be technically
8 complex, so we appreciate your patience. My many
9 thanks to Serena Carwile, our moderator, Mr.
10 Francisco Hernandez, and Mr. Robert Stamford for
11 managing the technical side of today's meeting. And
12 I was waving at Francisco in the control booth a
13 moment ago.

14 If you're attending remotely and
15 experiencing technical issues, please send an e-mail
16 to info@coppa.ca.gov. That's India, November,
17 foxtrot, Oscar, CPPA -- for California Privacy
18 Protection Agency, dot gov. This inbox is monitored
19 throughout the meeting. And we will figure it out
20 and probably pause the meeting and resume once the
21 issues are resolved.

22 We will take breaks as needed, including
23 a lunch break. I'll announce each one and let you
24 know when we will resume -- an estimate of when we
25 will resume. Please note that Agenda Item No. 10 is

1 a closed session item. We'll likely call that during
2 the lunch hour to use the time efficiently. And I
3 will let the public know when we go into closed
4 session and when we return to open session.

5 My thanks to the board members for their
6 service, to everyone helping to make today's meeting
7 possible. A special thanks to executive director Tom
8 Kemp and general counsel, Philip Laird, who are
9 serving as the sort of master of ceremonies and the
10 council for the meeting respectively. And I would
11 like to thank and welcome our moderator, Ms. Serena
12 Carwile, and ask her to please conduct the roll call.

13 MS. CARWILE: All right. Board Member
14 Hamer?

15 MS. HAMER: Present.

16 MS. CARWILE: Board Member Liebert?

17 MR. LIEBERT: Present.

18 MS. CARWILE: Board Member Mactaggart?

19 MR. MACTAGGART: Present.

20 MS. CARWILE: Board Member Nonnecke?

21 Madame Chair, you have three present
22 members and one absence.

23 CHAIR URBAN: Thank you.

24 MS. CARWILE: I apologize. You have
25 three present, one remote, and one absent.

1 CHAIR URBAN: Excellent. Thank you very
2 much.

3 Under the current Bagley-Keene Meeting
4 Act rules, we have established a quorum. I would
5 like to thank the board for that, and let the board
6 members know we will take a roll call vote on any
7 action items.

8 With that, we'll move directly into
9 Agenda Item No. 2, which is an annual update on
10 legislation and discussion of potential agency
11 proposals for the upcoming legislative session. And
12 That will be by the Agency's deputy director of
13 policy and legislation, Maureen Mahoney. And please
14 turn your attention to the materials provided for
15 this agenda item, and I will turn it over to
16 Ms. Mahoney, whenever you're ready.

17 MS. MAHONEY: Thank you, Chair, members
18 of the board. I appreciate the opportunity to
19 provide an update on our legislative work, and to
20 present staff's recommended legislative proposals for
21 2026.

22 So, first I'll provide a brief federal
23 update, then a very brief multi-state update,
24 California 2025 legislative session wrap-up, and then
25 finally turn to the 2026 legislative Proposals. And

1 then I was planning to pause after each of these
2 sections, if that's okay. Okay, next slide please.

3 Great. So I'll start out with a federal
4 update. As you know, there's been continued focus
5 this year on legislative proposals on the federal
6 level that would seek to preempt state laws. And at
7 the last meeting, I mentioned that the House Energy
8 and Commerce Committee had developed a working group
9 to work on a legislative proposal for privacy. We've
10 heard that they hope to have something released by
11 the end of this year. So, we're on the lookout for
12 that.

13 There's also a high likelihood that
14 legislation similar to a provision that was initially
15 added to the Big Beautiful Bill Act, that would have
16 a 10-year moratorium on enforcement of state AI and
17 ADMT laws, will resurface at some point in another
18 vehicle. So, to that end later this month, Executive
19 Director Kemp and I will travel to DC to meet with
20 legislators and other stakeholders. And yes, we have
21 nearly a full schedule already, even in light of the
22 shutdown thanks to the dedication of congressional
23 staff.

24 And this trip has three main goals.
25 First, we'll be holding meetings with legislators

1 that we have relationships with and that we
2 communicate primarily remotely, but to strengthen
3 those relationships in person. Also, to develop new
4 relationships, which is best done in-person. And
5 then also to raise awareness of the CCPA and the
6 Delete Act and particularly the unique protections
7 that exist in California, requirements to honor
8 opt-out preference signals, new requirements for
9 browsers with respect to these signals that will be
10 going into effect next year. The Drop system that
11 will really revolutionize the privacy experience for
12 Californians. And of course the ADMT regs that are
13 so important for privacy. So ultimately, we hope
14 these meetings will allow us to directly and
15 effectively communicate why the agency opposes
16 efforts to preempt state laws, and why it's so
17 important to have a federal privacy law that sets a
18 floor, and allow states to adopt stronger
19 protections. And that is the federal update.

20 Moving to a quick multi-state update.
21 So, we monitor states considering privacy and ADMT
22 legislation as part of our mandate to work towards
23 consistency and privacy protections where possible.
24 So, most of the state legislative sessions have
25 wrapped up for the year. A few states are still in

1 session. And of those states, four of them --
2 Massachusetts, Michigan, Pennsylvania, and
3 Wisconsin -- have comprehensive consumer privacy laws
4 pending.

5 So, two of these bills, Massachusetts and
6 Pennsylvania, have passed, one in Chamber and the
7 other in the second Chamber. So, we're watching
8 those most closely. And the Massachusetts bill, in
9 particular, is pretty strong. It has strong data
10 minimization standards, and it prohibits the sale of
11 sensitive data, similar to the Maryland law that
12 recently went into effect. The others are generally
13 very similar to many other state privacy laws. They
14 do share key features with California's law,
15 including a requirement to honor opt-out preference
16 signals and a prohibition on dark patterns. So,
17 we'll continue to monitor these bills and provide
18 technical assistance as appropriate, and keep you
19 updated if any of these move and are signed into law.
20 That's a multi-state update.

21 CHAIR URBAN: Can I ask a quick question?

22 MS. MAHONEY: Yeah.

23 CHAIR URBAN: When are these sessions
24 wrapping up?

25 MS. MAHONEY: At the end of this year.

1 So, they'd have to move pretty quickly.

2 CHAIR URBAN: Thanks.

3 MS. MAHONEY: Okay, next slide. Okay, so
4 now a quick wrap up on the California legislative
5 session from last year. So, at the last board
6 meeting, the legislative session had ended, but we
7 were still waiting for the governor to weigh in on
8 several of the bills we were tracking. So, we're
9 just going to close the final loop today. So, it was
10 a busy year. Over 75 privacy and AI bills were
11 introduced in 2025. Of those, more than 20 were
12 signed into law, and around five of these bills
13 passed the legislature, but were vetoed by the
14 governor. So, we'll go into a bit more detail about
15 some of these in the slides.

16 Next slide please. Great. So, first a
17 quick update on the bills on which we had a formal
18 position. Again, we were thrilled that AB 566
19 California Opt Me Out Act, our sponsored bill, was
20 signed into law. Very much appreciate Assembly
21 Member Lowenthal's leadership on this. And then also
22 very grateful that the California Attorney General's
23 Office came on in support. And that will go into
24 effect January 1st, 2027.

25 SB 361 -- oh.

1 MR. LIEBERT: Can we just take a minute
2 again and say, wow, that's just fantastic. It's
3 nation leading. In many ways, I think it might be
4 internationally leading. And it's truly an
5 extraordinary accomplishment by the Agency, by the
6 legislature, by the governor, all the stakeholders
7 and groups that pitched in. And it's just really
8 exciting. And I think for the Agency itself, a
9 reflection of just the tremendous work of the staff.
10 And you know, I think we've said this before, but
11 it's rare to get a veto on a bill, and then very next
12 year pull out a victory through tremendous
13 negotiation and effort. And you all should be really
14 proud. I certainly am. I think this is really
15 exciting for Californians and I think for the country
16 ultimately, because it's certainly going to be a
17 wonderful model for states across the country.

18 CHAIR URBAN: I've already seen news
19 reports about how California's OOPS Bill will already
20 have protective effects for people because it goes to
21 the browser. And then it's up -- of course -- to the
22 browser company to decide whether or not to try to
23 limit it to California. But it's a place in which
24 California can lead and really lead in a way that is
25 helpful to Californians.

1 But also more broadly, I really want to
2 second Mr. Liebert's remarks. I won't repeat them,
3 but I will simply add that I know there was really
4 careful attention to the technical aspects of the
5 bill, both legislative and technical. There was
6 attention to those last year, but this time there was
7 more time to be able to put them into place. And
8 that was very important, as well as the broadening of
9 the coalition, which I think was simply a matter of
10 ensuring that the broader coalition were aware of the
11 issues and of how this would be helpful. So, I'm
12 really delighted and I think this was -- as Mr.
13 Liebert said -- a tremendous accomplishment. And we
14 really commend staff and everybody who worked on
15 this, obviously the sponsor and the sponsor's office
16 and everyone in our partners at DOJ and GIO as well.
17 So, thank you.

18 MR. LIEBERT: I'd just like to add too,
19 that there were some very substantial technology
20 companies that pitched in ultimately to have great
21 discussions with our staff throughout the process.
22 And it was an example of the opportunity to
23 ultimately work together with the industry, as well
24 as others to try to reach a conclusion. And I think
25 that's a great model.

1 CHAIR URBAN: Absolutely.

2 Mr. Mactaggart?

3 MR. MACTAGGART: Sorry. Thanks for
4 the -- thanks for that. You know, I think it was a
5 little over a year ago that I sat on stage and said,
6 you know, how disappointed I was that the previous
7 version of this had not passed. And first of all,
8 kudos to Assembly Member Lowenthal for pushing this.
9 As Mr. Liebert just said, it's rare to do this again.
10 Having just gotten a bloody nose, you know, to keep
11 on -- to bring it up again, have the courage to do
12 that.

13 And then a real kudos to, you know, Ms.
14 Mahoney and Director Kemp and all the team for the
15 coalition they assembled. That was the difference
16 this year. The difference was, you know, a little
17 more negotiation with the tech companies and having a
18 really effective coalition. And I just get -- my
19 hats off to the team in our agency, because I don't
20 want to -- I think we had a lot to do with it
21 honestly. I think, obviously, the sponsor and his
22 office did -- and together, we did this thing.

23 And this was always the vision with the
24 California privacy legislation, is that we would be a
25 be a base upon which we could grow privacy --

1 sensible privacy reg -- legislation. And that's
2 clearly what's happened here. This is the benefit of
3 the amendment process in the original legislation,
4 that anything that builds on privacy is fine. And so
5 this is what this is doing here. And I know the way
6 that our original legislation was a model for the
7 country, this will be a model for the country.

8 And you know, one question I had for Ms.
9 Maloney is, no other -- has any other state even kind
10 of talked about doing this Ms. Mahoney? And in light
11 of what's happened here, is anybody -- talking about
12 that -- and then so, I have, sort of, two questions,
13 Ms. Mahoney. That's one. And then you went through
14 the other state bills. Are we still, in your mind,
15 the strongest -- or anybody stronger than us, I mean.
16 I know some, obviously, cover nonprofits, which we
17 don't. But so, those sort of two questions for you,
18 is anybody talking about a 566 kind of action, and
19 then how do we rank still?

20 MS. MAHONEY: Great, that's a good
21 question. So, no other state that I'm aware of
22 currently has a bill pending that would extend the
23 opt-out preference signal requirement to browsers --
24 to require them to offer it. I think a lot of states
25 are very interested and watching what happened in

1 California. But the Connecticut Attorney General's
2 office has publicly said that they think this is a
3 really good idea. So, we may see states like
4 Connecticut or others consider such a proposal,
5 especially now that this one has been signed into law
6 in California.

7 As to the question about whether
8 California is still the strongest. I mean, first I
9 think we have to look at California's protections as
10 being broader than just the California Consumer
11 Privacy Act. Obviously, the Delete Act and the other
12 existing laws in California significantly bolster
13 California's protections. But other states are
14 continuing to ratchet up the protections. Maryland
15 in particular -- that went into effect in early
16 October -- has a lot of features that California may
17 want to take a look at.

18 For example, a prohibition on the sale of
19 sensitive information and covering nonprofits. So, I
20 think it is a really exciting time for California, in
21 that we've been the lead in so many areas, but there
22 are always additional areas to consider.

23 CHAIR URBAN: Thank you, Mr. Mactaggart.

24 Ms. Mahoney, please, go ahead.

25 MS. MAHONEY: Great. And thank you for

1 having the chance to celebrate that victory. Staff
2 was very pleased as well. So next, SB 361 from
3 Senator Becker. That was another bill we supported
4 that was signed into law, and that increases data
5 brokers disclosure requirements under the Delete Act.
6 And that goes into effect January 1st, 2026. And
7 that'll be discussed a little bit more in another
8 item.

9 And then finally, SB 470 from Senator
10 Laird, having to do with the Bagley-Keene Open
11 Meetings Act, extending the existing teleconferencing
12 requirements for 10 years -- which we supported --
13 was also signed into law. And that's why Mr.
14 Mactaggart can join us remotely. So, we like that
15 law. Yay. Let's see.

16 And then a few two-year bills to talk
17 about that we took a position on. AB 302 from
18 Assembly Member Bauer-Kahan, which required our
19 Agency to obtain and maintain a list of State-elected
20 officials and submit deletion requests on their
21 behalf under the Delete Act, which we had a
22 supportive amended position on. So, it didn't
23 advance this year, but may come back next year in
24 2026.

25 And then second, we had a support

1 position on AB 322 from Assembly Member Ward, which
2 would amend the CCPA to increase protections for
3 location data, including to prohibit its sale. So
4 that may come back next year as well. And then while
5 we're discussing -- oh yes?

6 MS. HAMER: A quick question. Support if
7 amended, what's the amended issue and is that what
8 might make it work next year?

9 MS. MAHONEY: Great. Yeah. So, I think
10 the biggest concern with that bill -- is that what
11 the question is? Why we were supportive if amended?
12 Yeah, I think the biggest concern was tasking our
13 agency with collecting and maintaining this list of
14 elected officials in the State. There are many,
15 many, many of these, and there are other entities
16 that are more suited to do that, especially under the
17 aggressive timelines under the bill. So, I think
18 we're going to continue to work with the author and
19 try to address these issues.

20 MS. HAMER: Thank you.

21 MS. MAHONEY: Great. And then while
22 we're discussing two-year bills, I wanted to flag a
23 few bills that we didn't have a position on, but we
24 were watching because they related to us, that didn't
25 advance the session. But we may see them again next

1 year. And those include AB 364 from Assembly Member
2 DeMaio, that required consent to maintain a
3 consumer's personal information in a foreign
4 jurisdiction. SB 354 from Senator Limón, which
5 provided comprehensive privacy protections in the
6 insurance space. And then SB 435 from Senator Wahab
7 that removed the publicly available exception for
8 sensitive personal information in the CCPA. So, we
9 may be talking about those at a future meeting.

10 Next slide, please. And then just a
11 final wrap up on our watch bills. AB 1018 from
12 Assembly Member Baur-Kahan, that had to do with
13 automated decision systems, was placed on the
14 inactive file. I think we talked about this last
15 meeting, means it did not advance this year, but it
16 could come back next year. AB 1043 from Assembly
17 Member Wicks, it has to do with age signals. That
18 was signed into law, and becomes effective January
19 1st, 2027. AB 1064 from Assembly Member Bauer-Kahan,
20 having to do with kids and AI chatbots. That was
21 vetoed by the governor. But in response to the
22 governor's veto, Common Sense Media filed a proposed
23 ballot measure that has many similar provisions as AB
24 1064 and a few additional ones as well.

25 Of most significance to our agency, it

1 would amend the CCPA to extend opt-in protections to
2 kids under 18, as opposed to kids under 16, which is
3 what we have currently in the CCPA. The other
4 provisions of the measure operate outside of the CCPA
5 and don't directly affect us or task us with
6 responsibilities. For example, it would prohibit
7 operators from offering chatbots that could cause
8 harm to children. So, my understanding is that
9 they'd need to meet the signature requirements by
10 spring to get on the November 2026 ballot. So, we'll
11 be watching that.

12 And then finally, SB 7 from Senator
13 McNerney was vetoed by the governor. That regulated
14 the use -- would have regulated the use of automated
15 decision systems in the employment context.

16 Next slide, please. And I wanted to
17 provide an update on our legislative engagement this
18 session with Executive Director Kemp joining us near
19 the beginning of the year. We made a concerted
20 effort to reach out and try to meet with almost every
21 legislature. We did direct outreach to a substantial
22 portion. We reached out to 88% of the Senate, 75% of
23 the Assembly and that led to numerous meetings. We
24 had meetings with over 52% of the Senate or their
25 staff, 40% of the Assembly and their staff. The

1 Assembly is twice as big. And that outreach is
2 ongoing. And this doesn't include the meetings that
3 I had alone with staff. And in the early summer, we
4 also did a legislative briefing for staff where we
5 talked about the Agency's priorities and got
6 feedback, talked about the CCP and the Delete Act.
7 And those were positively received and we're
8 encouraged to do more of these in the future.

9 Next slide, please. Okay. So looking
10 ahead to the 2026 legislative session, I wanted to
11 present some bill proposals for Board consideration.
12 But before I do that, I wanted to provide some
13 information about the various ways that the Agency
14 could get involved with bill proposals that the Board
15 would like to endorse. So, I'll specifically give a
16 little detail about the differences between
17 sponsoring a bill and supporting a bill.

18 So, sponsorship, which is what we did for
19 the Opt Me Out act is typically a more involved
20 process. It involves staff working with the
21 legislature to draft the bill usually. And once
22 drafted and introduced, staff typically would engage
23 with stakeholders potentially draft amendments to
24 address concerns and provide information about the
25 goals of the bill. And then finally, staff would

1 communicate the Agency's support through letters or
2 testimony.

3 When the Agency supports a bill, it's
4 usually a lighter lift. The legislator or their
5 sponsor typically drafts the bill. Staff would work
6 with the author to provide technical assistance and
7 we would communicate the Agency's support, but
8 probably through letters. And probably not testify.
9 And additionally, I should note that staff also
10 provides technical assistance to support legislators
11 on bills that deal with the processing of personal
12 information even if the Agency doesn't have a formal
13 position pursuant to our statutory application.

14 Next slide, please. Okay, so staff have
15 prepared three bill proposals that would amend the
16 CCPA for the Board's consideration. So, this is more
17 proposals than we've done in the past. The opt-out
18 preference signal bill is the only one we've
19 sponsored in the past. But we've heard from
20 legislators that they would like a variety of ideas
21 to choose from when planning bills for the upcoming
22 session. So, I was planning to just kind of go over
23 the three at a high level and then discuss them at
24 the end. But also feel free to ask questions as they
25 come up.

1 So, we've developed proposals that would
2 meaningfully increase privacy protections for
3 Californians. They reflect input from across from
4 staff, across the organization, including legal and
5 enforcement. And we welcome the Board's input and
6 would recommend that the board approve these
7 proposals for presentation to legislators and allow
8 staff the discretion to determine if a proposal
9 should be sponsored or supported as we work with the
10 legislators. Because often these decisions have to
11 do with who the author is and what level of
12 involvement they want from a sponsor. And if the
13 proposal were to turn into a bill, staff would bring
14 the bill before the Board for consideration, likely
15 in spring.

16 So, moving to the proposals, the
17 whistleblower proposal would add comprehensive
18 whistleblower protections in the CCPA. So, as you
19 know, the practices of tech companies are often
20 highly technical and sometimes opaque. It can be
21 difficult and time consuming to identify potential
22 violations. So, employees are often in the best
23 position to identify potential violations early on.
24 So, whistleblower protections and incentives can help
25 bring these unknown violations to light and enhance

1 the Agency's ability to enforce consumer's privacy
2 rights.

3 So, we would propose three components to
4 this bill, which is similar to the SEC's successful
5 whistleblower program. So, first an award program to
6 incentivize whistleblowers to come forward with
7 information. Second, a special designation program
8 that enables the enforcement division to collaborate
9 with the whistleblower attorneys on certain cases and
10 allow whistleblowers to share in the proceeds of an
11 administrative fine. And finally, anti-retaliation
12 provisions to protect whistleblowers.

13 So, the award and special designation
14 components would help incentivize whistleblowers
15 upfront, and then the anti-retaliation component
16 would protect them after they come forward. In
17 regarding this special designation aspect of the
18 proposal, to be clear, it would allow whistleblowers
19 to share in awards and receive attorney fees, but
20 without the right to pursue violations on their own.

21 So, some laws allow whistleblowers to
22 litigate matters on their own, similar to a private
23 right of action, and our concept is different from
24 that. Instead, we propose to allow for whistleblower
25 awards in matters that we designate, based on

1 whistleblower submissions to our Agency, but it would
2 not involve a similar private right of action. Okay.
3 So, that was whistleblowers.

4 CHAIR URBAN: Can we pause and talk
5 about -- yes, please, Ms. Hamer.

6 MS. HAMER: So, I understand that we get
7 about 150 consumer complaints a week. And so, I'm
8 just -- from the business model -- business case of
9 the whistleblower, without commenting on, you know,
10 the merits of it. Do we have the bandwidth to bring
11 on more? Do we think that employees are going to,
12 you know, be more likely to come forward than
13 consumers? Of the -- this is a lot of questions, but
14 it's all kind of going to the same place in my brain
15 to try to get kind of an ROI on this. Of the 150
16 consumer complaints, roughly what percentage are
17 meritorious and roughly what percentage goes to
18 action? And then do we have extra bandwidth to be
19 able to take on another category of complaints.

20 MS. MAHONEY: Okay, those are great
21 questions. I think I'm going to phone a friend.

22 CHAIR URBAN: Could I follow up with on
23 Ms. Hamer's question as well? As Mr. Macko joins us,
24 welcome Mr. Macko, our enforcement head.

25 My understanding of the value of

1 whistleblowers in this instance could be wrong, but I
2 saw this as an expansion of resources for the
3 investigative team at the Agency. Because it's very
4 difficult to get information from outside of the
5 companies, and this would be a way to gather
6 information. So, while it would require some
7 resources, it would be additive to resources. At
8 least, that's how I read the memo. And maybe, Mr.
9 Macko, you can help us sort of understand the
10 cost-benefit analysis here.

11 MR. MACKO: I'm happy to weigh in. Good
12 morning everybody, and thank you for the opportunity
13 to address these questions.

14 CHAIR URBAN: Oh, sorry, Mr. Mactaggart.
15 I apologize. I think you might have a question
16 related to the to the pot that you've got. So, Mr.
17 Mactaggart, please go ahead.

18 MR. MACTAGGART: Thank you, Chair. Yeah,
19 just, Mr. Macko, as you address it, if you also
20 address one provision, I think, from some
21 whistleblower laws. And this gets directly to the
22 member -- kind of question, is does -- if the person
23 bringing the whistleblowing, or coming up with the
24 issue, do we have to -- would we have to approve it?
25 And if we say, "no, we don't think it's an issue," is

1 it dead? Or can they -- I know we're not having the
2 private right of action, but can they -- I don't
3 know, take it to the attorney general's office or
4 something?

5 Just explain what the risk -- I think
6 it's a very pertinent question. Like, do we have to
7 review hundreds of complaints and decide which ones
8 have merit now? So, what does that do? Thank you.

9 MR. MACKO: Great. Okay. So, I hear --
10 I'm just going to kind of paraphrase four different
11 questions that I'm hearing. And I'm happy to answer
12 those, and we can continue to talk about it as we go.

13 For context, I should confess that
14 whistleblower provisions and whistleblower programs
15 are near and dear to my heart. I spent more than 10
16 years at the Department of Justice and at the SEC
17 before I came to the Agency. And I've personally
18 handled a large number of whistleblower cases as a
19 government lawyer. I know the value of those cases
20 in my previous professional life, and I can see the
21 potential here, for how we could use that in a
22 privacy context. Let me get to each question.

23 And so the first question is about
24 consumer complaints versus whistleblower complaints,
25 in general. And let me just draw a big distinction

1 between consumer complaints that we currently receive
2 and whistleblower complaints. So, you're right that
3 we receive about 150 or so consumer complaints every
4 week. Consumer complaints are very different from
5 whistleblower complaints at any agency, including the
6 US Department of Justice, Department of Health and
7 Human Services, other federal state agencies that
8 have whistleblower provisions and protections. They
9 all receive consumer complaints, too. Those are kind
10 of like hotline complaints, and there's a large
11 volume of those at any of these agencies, including
12 certainly ours.

13 Whistleblower complaints are a very small
14 subset. They're totally different. They're not even
15 a subset because they're not consumer complaints at
16 all. These are a specialized form of complaint that
17 is more than just an allegation. It is an
18 evidentiary submission to the Agency prepared by an
19 attorney -- a whistleblower attorney who specializes
20 in these matters and lays forth the allegations of a
21 violation, combined with the support for it. And the
22 whistleblower typically has to be an original source
23 of that information. You can't, you know, read about
24 something in the newspaper as a whistleblower and
25 say, "Ah, this looks like a violation. I'm going to

1 be a whistleblower." You need to be in a position to
2 have some original information to show the violation.
3 Often it's an employee who would come forth. So the
4 volume of these should be a lot lower than the number
5 of consumer complaints. But that kind of leads me to
6 the bandwidth question.

7 Do we have bandwidth as an agency to
8 handle those kinds of matters? And I would say we
9 do. And here's why. In a whistleblower
10 complaint, because our concept -- the proposal that
11 Ms. Mahoney is articulating -- would have
12 whistleblower attorneys involved for matters where
13 the -- where enforcement wants to partner with that
14 attorney -- that whistleblower to develop it. Let's
15 say it looks promising, it looks like a violation.
16 There would be a significant amount of collaboration
17 at that point between our agency and the
18 whistleblower attorney.

19 The proposal here is to actually give us
20 the discretion to decide, you know, which of those
21 cases warrant a special designation, which of those
22 cases warrant this partnership. So, we would always
23 kind of control the switch about the volume, but we
24 would also be able to leverage our resources with the
25 whistleblower attorney, who can help develop the case

1 and kind of share the burdens of building a case.

2 So, I feel comfortable about that.

3 There was a question about, are employees
4 more likely than consumers, I think, to submit
5 complaints -- whistleblower complaints. And the
6 answer to that is, "yeah, absolutely." They wouldn't
7 necessarily have to be employees. They could be
8 contractors who have some special knowledge. Often
9 in these cases, you may even have a non-employee, but
10 somebody who has some specialized knowledge of a
11 violation come forward, and that's viable potentially
12 too.

13 And then the last question from board
14 member Mactaggart related to, you know, what happens
15 if the enforcement division looks at a particular
16 whistleblower complaint and passes? Is it dead? Is
17 it -- you know, what happens to the whistleblower
18 complaint at that point? And in that situation it
19 would -- under this proposal, it would -- the
20 enforcement division would not, kind of, specially
21 designate that matter. We may or may not then be
22 investigating. We probably would not be, or we would
23 determine that that is not something we should spend
24 the resources on right now.

25 And I think we'd need to work out the

1 details about whether -- you know, this program, as
2 Ms. Mahoney's articulated, is designed at the
3 administrative level. So, it is not designed with a
4 judicial component in mind, because board member
5 Mactaggart asked about, you know, could that
6 whistleblower go to the AG's office for example.

7 CHAIR URBAN: Could I interject briefly?

8 MR. MACKO: Please.

9 CHAIR URBAN: And Mr. Mactaggart, please
10 correct me if this is incorrect. But underlying your
11 question, I thought I heard -- and if not, I have a
12 question about the protections attaching -- if the
13 Agency doesn't pick up the complaint, would the
14 person still be protected?

15 And I want to alert you that Mr. Liebert
16 has a question as well, but maybe we'll let you
17 answer this and then --

18 MR. MACKO: Yes, that's a very important
19 question. Because under -- for example, whenever you
20 have a whistleblower, somebody who has inside
21 information, they are taking a risk to their
22 professional reputation and life. If, let's say, the
23 government does decide to take the case, it becomes
24 public. They get a whistleblower award, but at the
25 same time, there's professional risk. Their name

1 gets out there.

2 So, what happens then to the
3 whistleblowers who, let's say, complain to us, but we
4 decide not to proceed. Are they taking that risk?
5 And the answer, I would argue, should be no, as it is
6 under the SEC program where those submissions -- a
7 whistleblower submission remains confidential and
8 non-public. Such that if we do not specially
9 designate it if we do not proceed, that whistleblower
10 is not subject to public disclosure. And that's a
11 really important part because, you know, there is --
12 especially a current employee, you can imagine the
13 risk that they might have to take in bringing
14 allegations to a government authority, that -- the
15 professional implications of that. So that aspect of
16 confidentiality is important in the SEC program. It
17 would be important for us. If it does not work that
18 way under all laws. So, the SEC program works that
19 way.

20 But in false claims act cases, for
21 example, by the Department of Justice, those
22 whistleblowers, when they file a submission there and
23 the government declines, the default is that that
24 becomes public. But that's because that whole
25 whistleblower program for the Department of Justice

1 and the false claims act is a totally different
2 animal. It's one that actually involves a -- what is
3 akin to a private right of action if the government
4 declines. And that's not what Ms. Mahoney described.

5 CHAIR URBAN: And the SEC whistleblower
6 program -- forgive me -- it doesn't have a key
7 component either. It's --

8 MR. MACKO: Correct. It's not a key
9 provision.

10 CHAIR URBAN: Right. Okay. I think you
11 answered my question about the information gathering
12 and the investigation in the course of answering Ms.
13 Hamer and Mr. Mactaggart's question. Please, of
14 course, feel free to expand, but I wanted to give Mr.
15 Liebert a chance to ask his question.

16 MR. LIEBERT: Sure. Thank you. We're
17 very lucky, obviously, to have your experience
18 personally in your career in this whole area. So
19 that's very encouraging to have that level of
20 expertise. I think it's a terrific idea. Many of us
21 will remember Francis Haugen at Facebook serving as a
22 whistleblower and the information that she revealed
23 about the dangers to teenage girls was so critically
24 important and hopefully led to some improvements
25 within the organization on that issue. I hope so.

1 Obviously the whistleblower approach is
2 designed ultimately to be a good incentive structure
3 for corporate players to do well; right? And to have
4 good conduct. So, I think that would be very
5 exciting. It also probably reflects that this is a
6 potentially difficult political lift. No one wants
7 to get whistleblown. I'm sure of that.

8 So, I wanted to ask you how this might
9 compare, Mike, to the SB 53 provisions on
10 whistleblowers, that was just enacted into law. And
11 if you don't know that, that's okay. But I do think
12 that that's an important question for us to make
13 sure, in terms of compatibility and what the
14 governor, obviously, ultimately has helped sign into
15 law, that type of approach.

16 MR. MACKO: Before I address that, I'm
17 going to turn it to Ms. Mahoney to see if you have a
18 reaction first to the 53 component.

19 MS. MAHONEY: Yes, absolutely. So we're
20 definitely giving a close look to SB 53. I think
21 there would be differences between that and this
22 proposal. SB 53 is focused on anti-retaliation
23 provisions and then providing some sort of process
24 for internal reporting. I think our situation is
25 different in that, you know, we already have the CCPA

1 and the Agency to address some of the reporting
2 questions. And then, where this proposal would go a
3 step further, is providing incentives for
4 whistleblowers to come forward by allowing them to
5 share in the proceeds of a successful case.

6 So, this would go a step further, but we
7 think it's important because of the risk that
8 whistleblowers are facing. It's not enough to just
9 say, "well, if something happens to you, there are
10 steps you can take." This would be providing more
11 incentives to come forward up front.

12 MR. LIEBERT: Thank you.

13 MR. MACKO: I agree with all that. And I
14 would say that one of the things we've tried to do,
15 as a newer agency, is take the best pieces of other
16 agencies, even if they're from different spots, and
17 put them together for us. And this is an -- I think,
18 a really good example of that, where that -- what
19 we're envisioning, at least for this program, is to
20 take aspects of the SEC program, aspects of the DOJ
21 program, maybe aspects of others, but to get one that
22 fits for privacy that's good for consumers.

23 And Board Member Liebert, that speaks to
24 what could otherwise be a significant lift. Make it
25 into something it really shouldn't be.

1 MR. LIEBERT: And that the funds -- sorry
2 just remind -- the funds -- to the extent that there
3 is a whistleblower action, are there funds involved
4 that will then come back to enforcement needs?

5 MR. MACKO: The funds would, under our
6 law, go to the consumer privacy fund. There would
7 be, then, a sharing under this concept with the
8 whistleblower. The idea here is to create a net
9 positive. In other words, in any one given case, we
10 would collect less, for example, in the fines. But
11 the whole point here is to have a larger number of
12 those cases that come with special evidence,
13 heightened evidence, and collaboration with the
14 whistleblower attorney that should allow us to do
15 more of them, creating an overall net positive.

16 CHAIR URBAN: Thank you. Ms. Hamer?

17 MS. HAMER: Yeah, so I support this as
18 well. I think that whistleblowers are going to have
19 information as to any kind of intent going on, with
20 data processing activities from the internal side
21 that can't be gleaned from a website. It's like the
22 "oh, I didn't get my do not share or do not sell my
23 personal information button."

24 Do you have thoughts around the sharing,
25 like how much goes to the whistleblower? I just --

1 having come from the corporate world, that's a big
2 ask for somebody to come forward like that and a big
3 risk. So, what are your thoughts about the revenue
4 sharing on that? And I like the protections, the
5 anti-retaliation provisions are key on that.

6 MR. MACKO: I agree completely that
7 anti-retaliation is kind of a foundation upon which
8 we could build something bigger with this program.
9 And as for the amount of sharing, the whistleblower
10 laws that exist -- and there are many across a lot of
11 different subject matters -- typically involve some
12 percentage sliding scale. And I think what exactly
13 those percentages would be is something we would have
14 to come up with some proposals for consideration.
15 But that's something -- that amount -- it should
16 ultimately be a range that we could set, depending on
17 the degree and nature of the evidence, the degree and
18 nature of the cooperation and collaboration that we
19 received.

20 So, in most of these whistleblower cases,
21 at least the ones that I've done, when you get to the
22 stage that a case has resolved or been litigated and
23 there is an amount of money, there's then an analysis
24 that gets done of how significant was the
25 whistleblower's contribution. And it inherently

1 recognizes the risk that that whistleblower takes. I
2 think we mitigate that risk here somewhat, compared
3 to other whistleblower cases, because the public
4 disclosure could come only in cases that we specially
5 designate. So in other words, if the whistleblower
6 rolls the dice, submits a -- makes the submission and
7 we determine, actually, that's not a -- the right
8 case for whatever reason, the risk is gone. So the
9 risk comes into play then only at the stage where the
10 whistleblower is set to receive money.

11 And I agree completely that as a policy
12 matter, we would want it to be enough to compensate a
13 whistleblower for the risk. And I think the amount
14 of that is something that -- that's a tougher policy
15 decision that's going to have to be made.

16 MS. HAMER: That makes sense. Total
17 sense. I also see an added benefit that
18 businesses -- if this is out there -- businesses
19 might be making better decisions going forward as
20 opposed to, you said, rolling the dice. So, you
21 know, "the Agency may or may not come after me, so
22 I'm going to do what I want." But I think if they --
23 or have the knowledge that somebody inside could kind
24 of pull back the curtain, then that's an added
25 benefit.

1 MR. MACKO: I think that's right.

2 And most of these laws contain -- they're written in
3 a way that still encourages and protects businesses
4 from reviewing their compliance and kind of trying to
5 get to the right decision and do the right thing.

6 The way these laws are normally written is to provide
7 a way for whistleblowers to raise allegations of
8 non-compliance, where the company is doing the wrong
9 thing. And so that that gets kind of into the weeds
10 of how these get written, but our proposal, the
11 concept here is to take that into account so that we
12 can still incentivize businesses to invest in
13 compliance, do the right thing on their own. And if
14 they decide not to have some mechanism as a back stop
15 to provide reporting to our agency. That goes beyond
16 what you'd see in a consumer complaint.

17 MS. HAMER: Right. I agree. Well, I
18 think it's a great idea. I think it's a heavy lift.
19 So, thank you for being willing to take it on.

20 CHAIR URBAN: Thank you. Before we move
21 to Ms. Mahoney's presentation of the other two bills,
22 which are simpler in their in their operation, I
23 wanted to pause to just give the Board some notice
24 that when we get to the end of the discussion, I
25 believe Ms. Mahoney is going to ask us if we will

1 support staff working up through sponsorship or
2 possibly another model for each bill.

3 So, with regards to the bills, I would
4 like you to think about whether there are broad
5 features that would be showstoppers for you or would
6 be requirements for you. Obviously we don't know
7 what the bill would look like, what a sponsor might
8 want to put into it yet. So, I don't mean to overly
9 constrain Ms. Mahoney or staff, but simply to provide
10 guidance about some of the things that might be, you
11 know, fundamental components of a bill. I think the
12 whistleblower bill is a good example of this.

13 I, for example, want to be sure that
14 those anti-retaliation protections are there. I
15 think the confidentiality guarantee regardless of
16 whether or not the claim is taken up by the Agency is
17 really important for the same reason. I trust that
18 in negotiation with sponsor and experts and staff,
19 they can figure out the percentage compensation to
20 make it attractive and also to compensate for the
21 risk.

22 So, just to give you some examples of the
23 kinds of things that I am -- I'm thinking about. It
24 wouldn't necessarily mean, I think, that we wouldn't
25 support the bill when you came back, but it would

1 give you guidance for helping to craft things with
2 sponsors should you find them. So, I'd like the
3 board to think about that. I don't want to put you
4 on the spot this second. So, if we could continue
5 with the Right to Delete bill and talk about that.
6 Thank you.

7 MS. MAHONEY: Great. So, the second
8 proposal -- so we propose to extend the right to
9 delete to cover all personal information collected
10 about a consumer. I think a lot of people probably
11 think that's already in the CCPA, but currently the
12 CCPA only requires a business to delete personal
13 information that's collected from the consumer, which
14 means that it does not have to delete personal
15 information collected from a third party. And as you
16 know, businesses today routinely purchase additional
17 information about consumers to supplement the data
18 they collect directly. Requiring only the
19 information collected from the consumer to be deleted
20 could create a false sense of protection for
21 consumers. Most other states with comprehensive
22 privacy laws apply the right to deletion to all
23 information collected from a consumer. I believe
24 it's only Iowa and Utah that do not.

25 The Delete Act also provides important

1 precedent in the sense that under that law all
2 information collected about a consumer would have to
3 be deleted, provided it's not exempt. But the Delete
4 Act applies, as you know, only to data brokers. So
5 we think it's time for the CCPA to have a right to
6 delete for all personal information collected about a
7 consumer. So, that is the right to delete.

8 Wonderful. Ms. Hamer?

9 MS. HAMER: Yeah, this is just a quick
10 question. It might be a silly question, but besides
11 data brokers, what other third party -- I have some
12 things in my head, but what other third-party data
13 sources are we thinking about?

14 MS. MAHONEY: Great. So, yeah, this bill
15 would provide protections with respect to businesses
16 that are buying information or collecting information
17 from other sources, not necessarily from the
18 consumer, but are not necessarily selling that
19 information on to a third party. So you could see a
20 situation where a retailer, you know, is using
21 information collected from a consumer, but they're
22 also collecting demographic data about a consumer or
23 browsing history or purchase history from other
24 companies, and combining all of that into a profile,
25 and then using that to target consumers for

1 advertisements more precisely. So, some consumers
2 may want that, but others may want the opportunity to
3 have all that information deleted.

4 MS. HAMER: Understood. I mean the
5 concept makes total sense. In my brain, behind my
6 question, was the business operationalization of
7 that. Businesses are still somewhat siloed. So,
8 it's it will force them to have one single source of
9 truth per consumer. So, that might take a little bit
10 of runway for them, but I think you know in my mind
11 what's the easiest way to get this done, just say,
12 you know, all information from -- were about
13 consumers.

14 CHAIR URBAN: And you would know better
15 than I Ms. Hamer, but I do think that also some
16 companies do not have that differentiation. And so,
17 figuring out what has been collected directly could
18 also be a challenge.

19 MS. HAMER: That's my point, yeah.

20 CHAIR URBAN: Yes, exactly. This means
21 you can go for the consumer in the data lake and pull
22 them out instead of trying to figure out which bits
23 of information in the data lake need to be pulled
24 out. I'm interested that so many other states
25 already have the more general right to delete, which

1 is of course another source of requirement for
2 businesses to have a better sense of the connections
3 between the source of the data the data and the
4 consumer.

5 Mr. Liebert, did you have your hand up?

6 MR. LIEBERT: Yeah, that's an excellent
7 point. Seems like this might be one area where the
8 CCPA actually was behind the eight ball in a way,
9 compared to what other states are doing. And it's
10 obviously logical to have that more expansive
11 approach. So I'm wondering how big a lift this one
12 is too. Because we're obviously bringing in a lot of
13 additional companies, right, that right now might not
14 be affected. And so you gave kind of a general
15 example of retailers, but I guess some sort of
16 political sense as to how big a lift this is for the
17 staff and in the process?

18 MS. MAHONEY: That's a good question.
19 You know, I think this bill would have a significant
20 impact for Californians' consumer privacy. So I
21 don't want to minimize it in any way. And part of
22 the reason why we are bringing this forward is to
23 start getting that feedback from businesses. And you
24 know, we're still at the very early stages of that.
25 You know I do think the fact that, as Chair Urban

1 pointed out, most other states have this broader
2 requirement. It should make it an easier lift for
3 businesses. So I think ultimately it's difficult to
4 tell at this time what the political lift will be,
5 but we want to start the conversation.

6 MR. LIEBERT: Well, I know we're not
7 saying yet till the end as to our supporter op, but
8 this is another one that I think is an excellent idea
9 and shows great thinking on the part of the staff.
10 Thank you.

11 CHAIR URBAN: Thank you, Mr. Liebert.

12 Shall we move on to the last suggestion?

13 MS. MAHONEY: Great. And the final one,
14 we recommend that the CCPA require alternative
15 methods for submitting consumer requests. So
16 currently online-only businesses that have a direct
17 relationship with a consumer are only required to
18 provide an e-mail address for collecting, access,
19 deletion, and correction requests. Opt out is a
20 different process. So we think just this e-mail only
21 creates a barrier because it gives consumers little
22 support or guidance. We think that alternatives like
23 web forms would be more consumer friendly, would take
24 less time for consumers because they would have more
25 information about what to input and be less chance

1 that they would have to follow up. The feedback that
2 we've heard is that it's not always easy to submit
3 consumer requests and protect their privacy online.
4 And we think this would help close some important
5 gaps. And that concludes my presentation. I welcome
6 your feedback.

7 CHAIR URBAN: Thank you. I think it's an
8 interesting question as to what the alternative
9 methods would be. I'm certainly very willing for
10 staff with expertise from the legislature and maybe
11 other partners to consider what would be the
12 appropriate paths. I am very supportive of this. In
13 my other life and in another area of law, I did a
14 fair amount of empirical research into notice and
15 takedown under the Digital Millennium Copyright Act.
16 And I have looked at a lot of notices, sent in a lot
17 of forms, and there's a two-sided challenge here when
18 you have something that is an e-mail address for a
19 request like this.

20 One challenge is absolutely on the
21 consumer side being able to understand what to do,
22 where to send, they would have an e-mail address of
23 course, possibly having access to the right systems
24 to do that. Most people of course use e-mail now,
25 but not everybody. They also have a challenge as to

1 how to formulate the request.

2 And that brings me to the other side of
3 the two-sided challenge, which is when you're asking
4 somebody who isn't an attorney, who isn't somebody
5 who's embedded in that business to make a request
6 that is exercising a right like this, it is very
7 difficult for the request to contain the necessary
8 information, frankly. So I think that, you know, I
9 spent a lot of time parsing notices. And I had a
10 postdoc who was brilliant at figuring out what people
11 meant and understanding what they were requesting.
12 That is not efficient for the company and obviously
13 that isn't going to vindicate the consumer's rights.
14 So, I'm very supportive of this and I'm interested --
15 I will be interested ultimately in what is the path
16 that will be efficient for both parties.

17 Other comments or questions on this one?

18 Yes, Ms. Hamer?

19 MS. HAMER: I also think this is a great
20 idea. So there are three here and I was just curious
21 about other areas that other states might be more
22 strong in than CCPA. You mentioned Maryland had a
23 couple of provisions in their bill that were
24 stronger. So did you consider other possible areas
25 for us to proceed and then reject them, or tell me

1 the thought process on how you came up with these
2 three?

3 MS. MAHONEY: Sure. Absolutely. So we
4 did come up with a longer list of about a half dozen
5 proposals, primarily looking to other states and
6 where they set a higher standard. And then we did
7 preview these ideas with key stakeholders in the
8 legislature, the Attorney General's Office, to get
9 some high level input. And you know, I think all of
10 the ideas were generally positively received, but I
11 think it became clear that some of them needed
12 additional thinking through.

13 So, an example for that would be
14 expanding the CCPA to cover nonprofits. We wanted to
15 give that one a little bit more thought and have the
16 opportunity to explore stakeholders positions before
17 moving forward with that. So, I would say that the
18 three that we're moving forward with are good and
19 that they're different kind of levels of proposals
20 that might provide good variety for legislators to
21 continue, and ideas that we generally got positive
22 feedback about.

23 MS. HAMER: Okay. Thank you. I think
24 it's a good list. So, thanks for the work behind it.

25 CHAIR URBAN: Thank you, Ms. Hamer.

1 Mr. Liebert?

2 MR. LIEBERT: I recall along the way that
3 we've talked about the penalties that exist right now
4 for the DROP system if people aren't appropriately
5 signing up, registering. And it seemed like they
6 might not be sufficiently adequate, but it was a
7 timing issue. I might be throwing this at you, Mr.
8 Laird. Was there consideration as to at what point,
9 perhaps, there should be consideration about those
10 penalty levels.

11 MR. LAIRD: I'm happy to take that one.
12 Thank you. So certainly that is something we can
13 continue to think about, just ensuring that
14 enforcement is truly encouraging comply compliance
15 and that penalties encourage compliance as well. I
16 think what you're referring to is penalties with
17 respect to failure to register, which have been set
18 at \$200 per day each day at data brokers late. I
19 think the difference is that beginning in 2026 when
20 the DROP system comes online, that we were discussing
21 it.

22 A business's failure to register will not
23 just be its failure to register. It will also be its
24 failure to delete requests coming through that
25 system. I did not do this math. Our attorney, Liz

1 Allen, did this math for me, because I'm not a
2 mathematician up here. But we calculated, roughly,
3 that if a 100,000 Californians make drop requests in
4 this system and a business fails to register for a
5 year and does not process those requests, we're
6 looking at approximately \$7.3 billion in fines. So
7 what I think maybe historically was an issue, at
8 least with the Delete Act framework, is sort of
9 disappearing as a result of those heightened fines
10 with this new program coming online.

11 MR. LIEBERT: So the mechanism will be
12 discovering then, through the enforcement process,
13 that a particular entity is not honoring those
14 requests.

15 MR. LAIRD: Yeah. That -- and happy to
16 go into detail about this now or during that that
17 item. But essentially, a registered data broker may
18 be telling us they're processing those requests and
19 they're not. That would be grounds for a fine. But
20 what I'm trying to communicate to is a data broker
21 who has never come into our purview and has never
22 registered like they should have, if they take a
23 whole year, starting in 2026, to fail to do that,
24 they've not just accrued the fine for failure to
25 register, they've accrued for failure to delete. And

1 that's \$200 per day, per consumer request.

2 CHAIR URBAN: How do you count the
3 consumers if they're not on the DROP system to
4 request delete from? Or maybe we should talk about
5 this under the next that agenda item, but now I'm
6 really curious.

7 MR. LAIRD: Well, I'll answer that
8 specifically, and you will see in the system later.
9 One of the selection options when you register --

10 CHAIR URBAN: All data brokers.

11 MR. LAIRD: -- is all data brokers
12 including future data brokers.

13 CHAIR URBAN: Sorry, I'm talking over
14 you. Yeah. Yes. Okay. Yeah. So if some of the
15 people who chose all data brokers, that is a strong
16 indication that their motivation was all data brokers
17 and that they intended all data brokers, including
18 the data brokers who are invisible. There's no
19 reason to think that they would have wanted to carve
20 out one of the invisible data brokers. So, one can
21 count the all data broker choosing people and know
22 how many violations the invisible data broker has
23 done.

24 MR. LAIRD: That's correct. And to your
25 point, it's automated in the extent that if that data

1 broker did come in just a month later and register,
2 they'll automatically then receive a deletion request
3 from that consumer who had checked the all data
4 brokers box.

5 CHAIR URBAN: Great. Thank you.

6 Other comments or questions on the last
7 item or other items?

8 All right. I'm going to go ahead and
9 preview the motion that I'm considering. I haven't
10 heard specific parameters exactly. So, I think that
11 one option for a motion would be to direct the staff
12 to pursue the legislative proposals described today
13 by Ms. Mahoney with the California legislature for
14 the upcoming session, and to allow staff flexibility
15 to support the proposals up through sponsorship
16 capacity based, which he's explained to us based on
17 staff's assessment of the level of support, and the
18 features that will give the proposals the greatest
19 chance of passage and the greatest effect with
20 attention to the parameters discussed by the Board
21 today.

22 So, I added that bit at the end to
23 provide our guidance, but not necessarily to
24 hamstring anything in particular, given that we don't
25 know exactly what the bills would look like yet.

1 Does that make sense to you, Ms. Mahoney?

2 MS. MAHONEY: Yes, it does.

3 CHAIR URBAN: Okay, wonderful. Is there
4 public comment on this item?

5 MS. CARWILE: Okay, this is for Agenda
6 Item No. 2, "Legislation Update and Agency
7 Proposals." If you'd like to make a comment at this
8 time, please raise your hand using the raised hand
9 feature or by pressing "star-9" if you are joining us
10 by phone. Again, this is for Agenda Item No. 2.

11 I have Matt Schwarz. I'm going to unmute
12 you at this time. You'll have two minutes -- or I
13 apologize, three minutes. Go ahead and begin when
14 you're ready.

15 MR. SHWARZ: Good afternoon. My name is
16 Matt Schwarz. I'm a policy analyst at Consumer
17 Reports. Thank you for the opportunity to speak and
18 thanks for all the Agency's critical work to advance
19 consumer data privacy legislation.

20 While we look forward to following how
21 all of these proposals are honed into more concrete
22 legislative text, Consumer Reports does support all
23 three of the staff's proposals in concept, as we
24 believe they will improve the Agency's ability to
25 carry out its oversight functions that protect

1 consumers in California.

2 Just yesterday, we were provided with a
3 clear example of how internal whistleblowers can
4 provide the public and enforcers with critical
5 information about the wrongdoing of powerful
6 companies that we would never have seen otherwise. A
7 whistleblower at Meta revealed to Reuters internal
8 documents that established that Meta makes a
9 staggering 10% of its annual revenue from
10 advertisements it highly suspects to be scams or
11 fraudulent, and that executives at the highest levels
12 of the company were aware of these facts and failed
13 to reduce such scams for profit motivated reasons.

14 This is exactly the type of information
15 that the public deserves to know. But too often,
16 company operations and data processing activities are
17 a black box that is impossible to assess from the
18 outside. And the reality is that many employees
19 either lack motivation or are too scared to reveal
20 illegal behavior. This proposal will address these
21 hurdles by financially incentivizing employees and
22 protecting them from retaliation. That should help
23 insiders share information with enforcers that will
24 help protect every Californian's privacy.

25 We're also supportive of the proposal to

1 bring California's deletion right in line with that
2 of most other state privacy laws, which do allow
3 consumers to delete all of the information collected
4 about them by companies, not just the data collected
5 directly from them. To many consumers wanting to
6 delete their data from a company, the sources of the
7 information are likely irrelevant. And if anything,
8 personal data about them sourced from third parties
9 is more likely to be objectionable. The current
10 deletion right likely contradicts their expectation
11 of what a deletion request will accomplish and it
12 should be strengthened.

13 Finally, we agree with staff's proposal
14 to require online-only businesses to provide multiple
15 opt-out out mechanisms. Privacy rights should be
16 easy to exercise, and well-designed web forms are
17 much easier for the average consumer to complete than
18 the open-ended e-mail request, which in practice
19 often requires multiple back and forths to fully
20 resolve.

21 Thanks again so much for the time and for
22 your consideration of our views.

23 MS. CARWILE: Thank you so much.

24 Katarina Fitzgerald. I'm going to unmute
25 you at this time. You'll have three minutes. Go

1 ahead and begin when you're ready.

2 MS. FITZGERALD: Thank you. Chair and
3 members of the board, my name is Katrina Fitzgerald.
4 And I'm deputy director at the Electronic Privacy
5 Information Center or EPIC. EPIC is a DC-based
6 independent nonprofit that was founded over 30 years
7 ago to secure the fundamental right to privacy in the
8 digital age. And in my role at EPIC, I work with
9 state legislators across the country to advance
10 strong privacy legislation. I just want to say that
11 EPIC really appreciates the impact California's
12 leadership has had on state policy nationwide.

13 EPIC comments today to urge the board to
14 approve the proposals for legislation outlined in the
15 memo from Agency staff and in the presentation today.

16 First, the bill a bill to establish
17 comprehensive whistleblower protections, a really
18 common sense addition to the CCPA. As the memo
19 notes, data abuses often happen outside the view of
20 consumers and even of investigators and enforcers.
21 And in EPIC's work at the federal level, we've heard
22 from multiple sources, including within the industry,
23 that the lack of robust protections and awards for
24 whistleblowers at the Federal Trade Commission makes
25 it very hard for the FTC to secure industry

1 whistleblowers the way the Securities and Exchange
2 Commission does, because it has strong whistleblower
3 protections and an award system. You know, as talked
4 about, whistleblowers take huge risks when they step
5 forward, but their willingness to do so can have a
6 massive impact on Cal Privacy's ability to start stop
7 harmful business practices. So, Epic urges the board
8 to approve this proposal.

9 EPIC also supports the proposal to extend
10 the right to delete to cover all personal information
11 about the consumer. This is a rare area where the
12 CCPA provides a weaker consumer right than the vast
13 majority of the 18 other states that have privacy
14 laws. And it makes sense to update California's law
15 to allow consumers to request to delete all personal
16 information a business holds about them, not only
17 information that the business collected directly from
18 the consumer.

19 Lastly, EPIC supports a proposal to
20 require businesses to provide alternative methods for
21 submitting consumer privacy requests. You know,
22 we've seen in the years since the CCPA was enacted
23 that businesses will make it as difficult as possible
24 to exercise privacy rights. They're only going to
25 provide the bare minimum that they're required to by

1 law. And requiring consumers to exercise their
2 privacy rights by saying an e-mail just -- it doesn't
3 make sense in 2025; right? When I think about
4 whether a privacy right is usable, I always like to
5 think, would my mother in her 70's be able to do
6 this. And she'd have no idea what to send in an
7 e-mail to a company to exercise her privacy rights,
8 but she would be able to fill out an online form that
9 prompted her for the info the business needs to
10 exercise the request.

11 All three of these proposals would help
12 California continue to be a leader on privacy, and
13 they do so with little added compliance burden on
14 companies. So, EPIC respectfully asked the board to
15 approve these proposals. Thank you.

16 MS. CARWILE: Thank you.

17 Robert Boyin. I'm going to unmute you at
18 this time. You'll have three minutes. Go ahead and
19 begin when you're ready.

20 MR. BOYIN: Okay. Good morning board
21 members. My name is Robert Boyin. And I'm here on
22 behalf of TechNet, representing more than 100
23 companies across the innovation economy.

24 While we appreciate your continued work
25 to strengthen privacy in California, we urge the

1 Board to proceed carefully before advancing new
2 legislative or rulemaking proposals regarding
3 whistleblower protections. California already has
4 comprehensive laws. The burden should be on
5 demonstrating that the existing statute wouldn't
6 protect someone reporting here. Creating bespoke
7 topic specific whistleblower systems adds unnecessary
8 burdens for businesses.

9 As you discussed earlier, the legislature
10 recently passed and the governor signed SB 53. While
11 we disagreed that a specific frontier model
12 whistleblower rule was needed, given the range of
13 existing whistleblower protections in law, SB 53's
14 narrow focus on extraordinary risk, such as mass
15 casualties and weapons of mass destruction, is very
16 different from CCPA violations, which while serious
17 don't pose a catastrophic risk.

18 Regarding consumer request methods,
19 businesses vary widely in terms of size and
20 structure. They require flexibility to design
21 efficient and secure systems that align with their
22 broader compliance frameworks. A one-size-fits-all
23 approach could create unnecessary friction for both
24 consumers and businesses, while a flexible approach
25 would ensure accessibility, efficiency, and data

1 security.

2 Finally, with respect to additional
3 rulemakings in general, we asked the Board to
4 consider significant compliance investments already
5 required under recently finalized regulations. Over
6 the next several years, businesses will be devoting
7 substantial resources to implementing the Agency's
8 new rules on risk assessments, automated
9 decision-making technology, and cybersecurity audits,
10 along with amendments to existing CCPA regulations.
11 We urge you to allow businesses the time and
12 bandwidth to come into compliance with these new
13 obligations before embarking on additional
14 rulemakings.

15 In closing, Technet encourages the Agency
16 to maintain a focus on balance, transparency, and
17 workability. Thoughtful evidence-based policymaking
18 will ensure California continues to lead on both
19 privacy protection and responsible innovation. Thank
20 you for your time and consideration today.

21 MS. CARWILE: Thank you.

22 Alicia McDonald. I'm going to mute you
23 at this time. You'll have three minutes. Go ahead
24 and begin when you're ready.

25 MS. MCDONALD: Thank you so much. Hi,

1 I'm Alicia McDonald of Strategies.

2 I love the proposals we've heard today
3 for web forms. I would like to encourage you to go
4 one step further. In addition to people filling out
5 a form with their names and other PII, please
6 consider that many companies do not hold names and
7 PII on purpose, and yet they can in fact reidentify
8 people. So companies will answer, when they receive
9 an opt out, that they hold nothing about Jane Smith
10 while they continue to use scripts and a cookie or
11 other tracking technologies to uniquely identify and
12 target Jane Smith. Therefore, I hope you'll consider
13 adding to the web form a path that companies will
14 read their own identifiers, their own trackers, and
15 use that in identification as well as the user
16 provided the consumer provided PII.

17 Secondly, we hear that many consumers
18 are very concerned about having to provide PII to
19 exercise their privacy rights. So I would like you
20 to consider having a web form where people do not
21 provide new information. They simply are opted out,
22 deleted, anything else that we're going to do with
23 the web form on the basis of how the companies
24 themselves identify those consumers. I think that
25 will give a much stronger and more trustable path for

1 people to be able to go through. Those who wish to
2 provide their names, their phone numbers for things
3 with data append, for example, should absolutely be
4 able to. But for those who wish not to provide new
5 information to delete what's there, I think this is a
6 really crucial part of how things move forward. So,
7 I would like you to consider not just a web form as
8 an easier type of e-mail, but also as an ability to
9 use the types of technologies companies already have
10 in place to actually make this a fully realized set
11 of privacy rights.

12 Thank you so much for your work. It's
13 exciting to see what you're doing.

14 MS. CARWILE: Thank you. If there are
15 any other members of the public who would like to
16 make a comment at this time on Agenda Item No. 2,
17 "Legislation Update and Agency Proposals," please go
18 ahead and raise your hand using Zoom's raised hand
19 feature or by pressing "star-six" if you're joining
20 us by phone. Again, this is for Agenda Item No. 2.

21 Madame Chair, I'm not seeing any
22 additional hands at this time.

23 CHAIR URBAN: Thank you, Ms. Carwile.
24 And thank you to all the commenters whose thoughts
25 are very helpful and appreciated.

1 With that, I would like to request a
2 possible -- request a motion to direct staff to
3 pursue the legislative proposals described today by
4 Ms. Mahoney with the California legislature in the
5 upcoming session, and to allow staff flexibility to
6 support the proposals through a sponsorship capacity,
7 based on staff's assessment of the level of support
8 and the features that will give the proposals the
9 greatest chance of passage and the greatest effect
10 with attention to the parameters and preferences
11 discussed by the board today.

12 May I have that motion?

13 I have a motion from Ms. Hamer. May I
14 have a second?

15 I have a second for Mr. Liebert and Mr.
16 Mactaggart's hand is up.

17 MR. LIEBERT: Okay, I give it to Mr.
18 Mactaggart.

19 CHAIR URBAN: Anyway, we have a motion
20 and a second. And Mr. Mactaggart, before we move on,
21 do you have your hand up with regards to the motion
22 or for further comment?

23 MR. MACTAGGART: Thank you. I was
24 willing to do both, but I'd like to just make one
25 comment, which -- and I know we're not supposed to.

1 And Chair, you can keep me on the straight and narrow
2 here about the rules. I know we're not supposed to
3 comment on comments that were brought up.

4 I just wanted to point out that, you
5 know, I have, for a long time, sort of separately and
6 fully agree with Ms. McDonald's comments. She
7 happens to be a national expert in this in this area,
8 academic and otherwise. And I really do believe that
9 there should be, as we go forward, a button if you
10 don't want to give your e-mail address, you just you
11 want to opt out and you want to basically say to the
12 company, "anything you know about me, however you
13 identify me, I want you now to delete." And I think
14 that's almost a more powerful kind of way to go back
15 to the company because they do have obfuscate and
16 they do hide how they know about you. And so if
17 they're fingerprinting you and you say, "Look, now
18 you got to delete all that." That to me is way more
19 powerful. And I really echo that. So as we go
20 forward on the opt-out, I just -- that's one of my
21 real priorities.

22 Thank you. And yes I do support the
23 motion.

24 CHAIR URBAN: Thank you Mr. Mactaggart.

25 I think Mr. Liebert will be the one to

1 keep us on the straight and narrow. I think we can
2 comment on the comments in our discussion. I also
3 value Dr. McDonald's comment. And I think it's
4 really important and know that she's been really deep
5 in the weeds of the research for many years about how
6 these systems actually work.

7 So I have a motion and a second on the
8 table. Ms. Carwile, would you please call the vote?

9 MS. CARWILE: This is a roll call for the
10 motion as stated by the Chair.

11 Board Member Hamer?

12 MS. HAMER: Aye.

13 MS. CARWILE: Board Member Liebert?

14 MR. LIEBERT: Aye.

15 MS. CARWILE: Board Member Mactaggart.

16 MR. MACTAGGART: Aye.

17 MS. CARWILE: Chair Urban?

18 CHAIR URBAN: Aye.

19 MS. CARWILE: You have four "ayes."

20 CHAIR URBAN: Thank you, Ms. Carwile.

21 The motion carries with a vote of 4 to
22 zero.

23 Ms. Mahoney, thank you very much.

24 Mr. Macko, thank you very much. And we
25 will look forward to hearing how things develop,

1 probably May-ish, I think. Wonderful. Thank you.

2 Mr. Liebert?

3 MR. LIEBERT: I just want to note. Maybe
4 I was the only one who noticed this, but I think we'd
5 have to look back in our records, but Katrina
6 Fitzgerald from EPIC referred to Cal Privacy, and I
7 think that might have been the first time we've had
8 someone on the line saying Cal Privacy. And I'm just
9 excited about that. I think that's a great
10 development. I think Californians are going to
11 understand what we do a little bit better.

12 CHAIR URBAN: Thanks, Mr. Liebert.

13 All right, moving on to Agenda Item No.
14 3, "the annual intergovernmental affairs update and
15 priorities." This will also be presented by deputy
16 director of policy and legislation Maureen Mahoney.
17 It covers -- please turn your attention to the
18 materials provided for this agenda item. And I
19 believe Ms. Mahoney is planning to present the slides
20 all together, and then pause for discussion at the
21 end. So please go ahead.

22 MS. MAHONEY: Great. So today we are
23 proud to share the progress that the Agency has made
24 in developing partnerships across the globe and look
25 forward to the Board's input and feedback on

1 priorities for next year. And I just want to
2 emphasize that this is by no means just the policy
3 and legislation team. This work brings together
4 everyone, admin, enforcement, the EXACT team, IT,
5 legal and public affairs in developing these
6 partnerships.

7 Next slide please. There's an enormous
8 amount of work being done in the privacy space and
9 our mission is to identify engagements that are the
10 best use of Agency resources. We don't want to be
11 everything, everywhere all at once. We want to be
12 everywhere, strategically all at once. So to that
13 end, there are a few guiding principles for our
14 engagement.

15 So, first we select engagements that will
16 advance education and awareness about California's
17 privacy rights and protections. The second, we
18 choose to engage when it's necessary to protect
19 Californians privacy rights. So that could include
20 enforcement partnerships or, you know, policy pushing
21 back on preemption efforts. Third, we have a
22 statutory mandate, as I mentioned several times, to
23 ensure consistency among privacy laws. So where we
24 see opportunities to shape policy, we want to be
25 engaged to be able to share California's approach and

1 why we took that approach.

2 And finally, we recognize that there are
3 issues that are best approached as a collective
4 rather than as a standalone. So that could be
5 through enforcement, public awareness, or policy.
6 And these are the principles we use to prioritize our
7 engagements.

8 Next slide, please. So, first looking at
9 California, we're really proud of the relationships,
10 partnerships we've developed. The California
11 Attorney General obviously is a natural partner. We
12 share enforcement of the CCPA and a commitment to
13 protecting California's consumer privacy. We're in
14 frequent communication, work closely on enforcement
15 and policy matters. For example, the enforcement
16 team recently partnered with the California Attorney
17 General and other attorney generals on a multi-state
18 investigative sweep of compliance with the global
19 privacy control. I'll talk about that a little bit
20 more. We also worked with the Attorney General's
21 Office in California to push back against preemption
22 efforts. And again very much appreciate the
23 California Attorney General's support of the
24 California Opt Me Out Act.

25 Likewise, the California Civil Rights

1 Department is a natural partner. They, like us, were
2 working on a rulemaking having to do with automated
3 decision systems. They finalized theirs in spring of
4 this year. So, we engaged with them to help ensure
5 consistency among our laws. We're also enormously
6 grateful, right now, for the partnership with the
7 California Department of Technology, for their
8 dedication and generosity in working with us to
9 develop the DROP system under the Delete Act, which
10 will be discussed more later.

11 The Department of Insurance has been
12 another important partner. Recently, the legal team
13 worked with them on the insurance regulations that
14 were recently finalized, and we've been supportive of
15 their work on SB 354, the bill that would regulate
16 insurance company data processing practices, that we
17 anticipate will come back next year.

18 And as Megan mentioned in September, we
19 with public affairs in the lead recently teamed up
20 with the contractor state licensing board and the
21 department of financial protection and innovation to
22 do some outreach across California, specifically
23 targeted to older Americans to help them understand
24 their rights under the CCPA and exercise those. For
25 example, the Agency did senior scammer events at town

1 halls that were hosted by Senators Ashby and Wahab,
2 Assembly Members Burman and Stephanie. And those are
3 all separate events, as well as before the Assembly
4 Democratic Caucus. And then we have separate events
5 with Senator Becker and Assembly Members Pacheco and
6 Rodriguez in the coming months and still more to
7 come. So these events are great opportunities to do
8 direct outreach to community members, partner with
9 other state agencies, and deepen our relationships
10 with legislators.

11 Next slide, please. And with respect to
12 multi-state engagement, we've continued to engage --
13 to continue to encourage consistency in privacy
14 protections as more states consider privacy ADM and
15 delete style laws. We're delighted this year that
16 Cal Privacy joined with nine other state privacy
17 enforcers to form the bipartisan Consortium of
18 Privacy Regulators. This group will continue to
19 collaborate on enforcement and implementation of
20 their privacy laws. And from a policy perspective
21 already this year the consortium worked together some
22 members joining our letter to oppose the 10-year AI
23 moratorium in the federal level. And we also
24 continue to participate in bipartisan multi-state
25 working group. And this is spearheaded by the author

1 or the sponsor of the Connecticut privacy law. It's
2 now facilitated by the Princeton Center for
3 Information Technology Policy. That meets roughly
4 bi-weekly. It comprises legislators from across the
5 country to discuss how to better achieve consistency
6 across states, particularly in the AI and ADMT space.

7 And finally, as I mentioned earlier, in
8 September, the enforcement division announced an
9 investigative sweep that it is doing along with
10 attorney generals of California, Colorado, and
11 Connecticut, focused on business compliance with the
12 global privacy control and opt-out preference
13 signals. I thank them for their work on that and
14 it's well-timed to ensure that Californians' rights
15 are protected in advance of the California Opt Me Out
16 Act becoming effective.

17 Next slide please. Let's see. Moving to
18 international partnerships. So this is -- developing
19 these partnerships is another important aspect of our
20 work. They're critical for enforcement
21 collaboration, again, in ensuring consistency and
22 spreading awareness of Californians' rights. So
23 first, I want to highlight some global privacy
24 organizations that we are a part of. So these are
25 bodies that bring together data protection

1 authorities from around the world to share
2 information to collaborate establish standards.

3 So we've been, first, a member of the
4 Global Privacy Assembly for about four years. This
5 is probably the biggest organization in this space,
6 brings together about 100 data protection authorities
7 from across the world to share information and
8 coordinate on privacy. Unfortunately, we were unable
9 to attend the annual meeting this fall in Korea due
10 to statewide budget constraints, but we're very
11 pleased that the enforcement division was shortlisted
12 for a GPA award in the dispute resolution and
13 enforcement category for their investigative sweep on
14 data broker registration compliance.

15 We're also members of the Asia-Pacific
16 Privacy Authorities. And that's a similar
17 organization focusing on data protection authorities
18 in the Pacific Rim. So our engagement with this body
19 has led to some important collaborations, which I'll
20 get to in a moment.

21 And then finally, we're members of the
22 Berlin Group, also bringing together DPA's, but in
23 addition, a lot of privacy experts and there's a
24 focus on privacy enhancing technologies. Similarly,
25 the Agency -- oops, sorry.

1 Next, I want to highlight some
2 partnerships that were formed over the past year and
3 these have really improved our ability to work with
4 other jurisdictions and improve consistency around
5 the world. As I just mentioned, our involvement in
6 the Asia-Pacific Privacy Authorities and our
7 attendance at their meeting last year allowed staff
8 to develop closer relationships leading to the
9 declaration of cooperation with the Korean Personal
10 Information Protection Commission. And this
11 declaration establishes a general framework of
12 cooperation to share best practices, share annual
13 enforcement plans, and convene periodic meetings
14 among staff.

15 Similarly, we also signed a declaration
16 of cooperation with the UK's Information
17 Commissioner's Office that also allows us to
18 collaborate on joint research, share best practices,
19 and develop mechanisms for collaboration in convening
20 meetings.

21 And then finally, we were very fortunate
22 to have two Humphrey fellows, a state department
23 program in residence with us in Sacramento for two
24 days this year. We had fellows from the Irish Data
25 Protection Commission and the Australian Department

1 for Home Affairs. This was a unique opportunity to
2 share knowledge and strengthen relationships. And
3 then just last week we announced that our enforcement
4 division was participating in a sweep with 30 other
5 regulators through the Global Privacy Enforcement
6 Network. And that involves a review of websites and
7 apps that use children's data. And we coordinated
8 the sweep with regulators worldwide.

9 Next slide please. So on to some other
10 highlights for international engagement. We're very
11 fortunate to be the lead author of a Berlin group
12 working paper on opt-out preference signals. We've
13 been working on it for about a year and a half now.
14 And it's close to being done. We worked with an
15 international team of Berlin group members to draft
16 the paper that explores how these signals can be used
17 and potentially interpreted across jurisdictions.
18 The final paper will be presented in Uruguay later
19 this month by one of our drafting group partners for
20 formal adoption by the body.

21 Similarly, the Agency was involved in an
22 international roundtable on consent practices hosted
23 by the Organization for Economic Cooperation and
24 Development, or OECD, and staff gave a virtual panel
25 presentation on opt-out preference signals to a

1 global audience of policy makers. And we continued
2 to be active members in the Asia-Pacific privacy
3 authorities. We attended this summer convening by
4 video conference. It was a fully virtual meeting and
5 they're having their fall meeting later this month in
6 Macau. That'll be hybrid and we'll be participating
7 remotely. So those are a great way to spread
8 awareness about the Agency's ongoing initiatives.

9 And finally, throughout the year, staff
10 met for in-person bilateral meetings with global data
11 protection authorities. These are often meetings we
12 entities -- we have agreements with France, Korea and
13 the UK.

14 And then finally looking ahead to 2026.
15 So, apologies I don't have a slide for this but I did
16 want to open a discussion about next year.

17 CHAIR URBAN: Actually could we hold that
18 for just a moment so that the Board can comment on
19 the report from the last year and the overall
20 development. I'm going to take Chair's prerogative
21 and go first, which I usually do not. But I think
22 since I've been on the board longer than anybody
23 else, I'm well placed to make the comment that I want
24 to make, which is the extraordinary nature of this
25 achievement for the Agency.

1 You all have heard me quote this many
2 times. I'm going to do it again, which is quote the
3 portion of the CCPA that Ms. Mahoney alluded to. "We
4 are charged with cooperating with other agencies,
5 with jurisdiction over privacy laws, and with data
6 processing authorities in California, other states,
7 territories, and countries to ensure the consistent
8 application of privacy protections." This is one of
9 my absolute favorite provisions in a law that has a
10 lot of favorite provisions for me. And the reason
11 why is because of its vision and its practicality,
12 both.

13 Data flows do not exist in ways that are
14 amendable to jurisdiction by one agency within a
15 state. Data flows exist across industries today and
16 they exist across different areas of jurisdiction for
17 California agencies. Data flows do not exist only
18 within California nor do they exist only within the
19 United States. Therefore, providing rationalized
20 meaningful privacy protections to people who live in
21 any part of the world is, to some degree, dependent
22 on the actors in the other part of the world, and
23 providing rationalized protections that businesses
24 can implement.

25 Similarly, it's very helpful to have

1 harmonization that does take into account local
2 requirements and conditions, of course, and what is
3 necessary for any jurisdiction to protect its people
4 and balance protections for its own businesses and
5 other actors. But what you need is a net. And the
6 net needs to have a fairly tight weave. There is no
7 way to have that net have a tight weave without this
8 kind of cooperation. What you have managed to
9 build -- and I do -- and I give, also, credit to our
10 first executive director, Mr. Soltani, who worked on
11 this tirelessly. What you have managed to build -- I
12 won't say it is beyond my dreams and hopes, because I
13 have very, very large dreams and hopes, but it is
14 certainly more than I expected, in terms of where we
15 would be able to be at this point in our development.
16 And it speaks to the careful attention to building
17 these relationships.

18 It also very much speaks to the quality
19 of the work that the staff is doing and the far
20 reaching vision that they have had for how to think
21 about the these connections and how to -- as Mr.
22 Macko said earlier, in the context of whistleblower
23 laws -- consider what's working in other places.
24 Consider, you know, what would be beneficial for
25 Californians. Consider where we can share where we

1 have been ahead. And to do that, I'm just beyond
2 impressed with what you've accomplished.

3 I also want to note how crucially
4 important this net is at this time when we have a
5 federal government that is not a good partner -- and
6 that I believe is putting it mildly -- for California
7 and for protecting Californians. The activities of
8 the federal government, with regards to the personal
9 data of Americans and the decisions that it has been
10 making, constitute a situation which means that
11 states and their ability to step up and to cooperate
12 are even more crucially important than they would
13 have been anyway. And I really commend the staff for
14 building these relationships, at this moment in
15 particular.

16 I know you didn't mention it. I am
17 saying this from my perspective as the Chair, but I
18 think that at this moment in particular, these
19 efforts are crucially important and I appreciate them
20 tremendously. I think, I appreciate them on behalf
21 of Californians. And I believe that other
22 jurisdictions also appreciate these kinds of
23 cooperations. So, thank you. And, in my -- you
24 know, I'm impressed and grateful.

25 Ms. Hamer?

1 MS. HAMER: I'm just going to say, she's
2 a tough act to follow, but I agree with everything
3 she just said.

4 CHAIR URBAN: Thank you.

5 Mr. Mactaggart?

6 MR. MACTAGGART: Thanks. Could we just
7 get a little update on adequacy and GDPR? Where are
8 we -- where we might be thinking about there?

9 MS. MAHONEY: Yes. Thank you for
10 bringing that up. Staff have had discussions with
11 officials in Europe about potentially providing a
12 presentation before the Board to answer any questions
13 that they might have about adequacy and could go into
14 better detail. And then staff is also working to do
15 the legal research to analyze all aspects of that as
16 well. So we're definitely working on it. It's on
17 the list and we hope to have more information at a
18 future board meeting.

19 CHAIR URBAN: Thank you.

20 Mr. Mactaggart, would you like to talk
21 about timing more? We could also talk about it under
22 the future agenda items, just so staff have a sense
23 of your sense of timing unless you're happy with
24 that.

25 MR. MACTAGGART: No. I mean, obviously,

1 there's a -- there's more opportunity than there are
2 our resources, and I'm very impressed with the steps
3 that the team has made and taken. And I just think
4 it's, sort of -- and not -- or I know that what I
5 would hope is that if we can start discussions with
6 GDPR with, you know, with Europe, with a sense of
7 what is missing, if anything, in the California law,
8 so that we could be moving towards an adequacy
9 determination. I think that would be, you know --
10 has always been my goal in writing the thing was --
11 this is always sort of the end goal, was to get an
12 adequate determination because GDPR, as everybody
13 knows, allows for territories, not just countries.
14 And so, I think that would be very, very -- that's
15 the end goal. Because if we can do that and get an
16 adequacy determination, then I think business will
17 flock to this -- to our standards because why
18 wouldn't you? Then you have you know such a big
19 portion of the of the of the planet covered with one
20 set of regulations, and then that smooths out the --
21 in -- you know, transatlantic data flows just would
22 have a tremendous benefit for consumers and
23 businesses for everybody. That's my goal.

24 And because we've been successful -- look
25 at 566. We -- you know, that the team has been

1 successful with, you know, amendments. If there are
2 amendments necessary -- if, you know, Europeans came
3 along and say, "okay, this is great. But you need
4 this one thing. There's potential." You know we
5 could start working on that in the legislature. So
6 I, you know, I'm not telling anybody on the team a
7 kind of thing they don't know. So, I just was
8 looking for an update on that and timing. So thanks.

9 CHAIR URBAN: Thank you, Mr. Mactaggart.

10 Other comments on the update before we
11 move -- sorry. Apologies, my mic cut out.

12 Any other comments on the update before
13 we move to the 2026 plans? No.

14 All right, please go ahead, Ms. Mahoney.

15 MS. MAHONEY: Great. So again, given the
16 ongoing state budgetary limitations, and the fact
17 that several of the international organizations or
18 groups that we're a part of haven't yet worked out
19 the details for upcoming meetings, a lot is still up
20 in the air about next year's activities, but there
21 will be further opportunities to engage.

22 So first, the Global Privacy Assembly
23 meeting, we know that will be held in Dubai in the
24 fall of 2026. For the Asia-Pacific Privacy
25 Authorities, they always have a summer and a fall

1 meeting, one of which is always virtual, the other is
2 usually hybrid, and the hybrid one will be in a
3 location yet to be determined. The Berlin group
4 likewise has a summer and fall meeting at locations
5 yet to be determined. Hybrid options depend on the
6 capabilities of the host organization. I know that
7 the spring meeting will be in Europe, but they
8 haven't nailed down exactly where. So, those are the
9 updates I have on some upcoming meetings.

10 So, similar to the process for domestic
11 conferences, staff supports board members attending
12 meetings of international bodies. We would support
13 board members notifying staff if there's a meeting of
14 an international body of which our Agency is a member
15 that they would like to attend. And then staff will
16 coordinate with the chairperson and manage logistics
17 to make sure that we're complying with existing law,
18 including that no more than two board members are
19 planning to go. So hopefully this will allow us to
20 provide board members the support they need and
21 ensure a streamlined process.

22 So thank you. I welcome any questions,
23 input or feedback.

24 CHAIR URBAN: Thank you very much, Ms.
25 Mahoney.

1 This annualized agenda item was
2 originally suggested by former board member Lydia de
3 la Torre. And one component of it was her hope that
4 we could do a little bit of planning for those
5 situations where board members rather than executive
6 team staff or experts from our divisions would be
7 beneficial attendees.

8 I would like to say a word about the
9 Global Privacy Assembly. The Global Privacy Assembly
10 is the -- I believe -- the first international
11 organization we joined, or close. Might have been
12 the Asia-Pacific group. And it is crucially
13 important for the Privacy Agency to have a presence
14 at that meeting every year. It is the UN for privacy
15 regulators and it is a very high level meeting. I
16 know you'll have to work with state budget
17 constraints, of course.

18 And I'm offering my opinion that this is
19 a key use of resources. I quoted the statute. This
20 is a -- is what I would consider to be a mission
21 critical travel item. It is a function required by
22 statute contract or executive directive. Although
23 the statute doesn't say Global Privacy Assembly
24 exactly, it does require us to do this cooperation.
25 And it is very difficult to do the cooperation

1 without acting on our membership in the Global
2 Privacy Assembly. So, my view is that it's something
3 that I would like the staff to prioritize if at all
4 possible. It's also something where the attendees
5 are generally commissioners. It's been hard for our
6 small board with our busy schedules to find time to
7 attend. But if it's possible for one or more of us
8 to go, that is something that I would encourage. And
9 I think I'm channeling Ms. De la Torre in saying
10 that. I think she was exactly right about that. So
11 I just wanted to provide that comment.

12 Other comments or questions?

13 MS. HAMER: Do we have any dates on that
14 one?

15 CHAIR URBAN: That's a good question.
16 Yes, I was going to say, so I might be hitting you up
17 and seeing if you can go to Dubai. We don't have a
18 date yet.

19 MS. MAHONEY: We don't have a date. It's
20 usually held in September and October, but I realize
21 that doesn't help that much with your busy schedules.
22 But I'm happy to provide that information once it
23 becomes available, consistent with Bagley-Keene.

24 CHAIR URBAN: Wonderful. Thank you so
25 much, Ms. Mahoney.

1 Other questions or comments?

2 All right. Is there any public comment
3 on this item?

4 MS. CARWILE: This is for Agenda Item No.
5 3, "Annual Intergovernmental Affairs Update and
6 Priorities." If you'd like to make a comment at this
7 time, please raise your hand using the raised hand
8 feature or by pressing "star-9" if you're joining us
9 by phone. This is for Agenda Item No. 3.

10 Madame Chair, I'm not seeing any
11 additional hands raised at this time.

12 CHAIR URBAN: Thank you, Ms. Carwile.

13 Thank you again, Ms. Mahoney, and thank
14 you to the board for the discussion.

15 I need a break before we go to the next
16 agenda item, and suggest that we take 10 minutes a
17 bit. So, let's say 11:10. That'll be a little bit
18 closer to 15. And we'll meet back here at 11:10 to
19 resume the meeting. Thanks everyone.

20 (Whereupon, a recess was taken from
21 11:00 a.m. to 11:15 a.m.)

22 CHAIR URBAN: Welcome back everyone.

23 This is the November 7th 2025 meeting of the
24 California Privacy Protection Agency Board. We are
25 returning from a short break and we will pick up with

1 Agenda Item No. 4, Regulations, Proposals and
2 Priority Discussion. This is an annualized item on
3 our calendar, in which the staff offer, based on
4 research, some ideas for potential regulatory needs
5 or other rulemaking priorities, and the Board gives
6 guidance and feedback. It will be presented by
7 Philip Laird, our general counsel, Tamara Colson,
8 our assistant chief counsel, and Lisa Kim, our senior
9 privacy counsel and advisor and regulations
10 extraordinaire. What do they call them in the UK?
11 Supremo, our regulations supremo.

12 And I will introduce this just by saying
13 Mr. Mactaggart and I may be the only ones who
14 remember -- or were here for the last conversation.
15 I'm sorry Mr. Liebert if I shortened your time. I
16 don't mean to. But we were talking about some sort
17 of very, more specific concepts at that time. And as
18 I understand, this will be talking about buckets.
19 And we'll be talking about how -- that some of those
20 concepts would fit into. And that we are at a moment
21 in time in which we have completed the mandatory
22 regulations that we needed to do and we have
23 completed updates to the CCPA regulations that were
24 sort of more urgent, that went along with those
25 updates. So we are in the enviable and happy

1 position through the efforts of staff and so many
2 stakeholders over time of thinking ahead.

3 And thus my understanding is that the
4 ideas and thoughts will be presented with an eye
5 towards beginning a lot of fact gathering, rather
6 than immediately having regulatory language, for
7 example, that we could consider. I see nods. And
8 with that, I will turn it over to the team.

9 MR. LAIRD: Thank you, Chair Urban. That
10 was a perfect summation from my perspective. Exactly
11 right and exactly our intent here today.

12 As was mentioned, the Board decided to
13 defer decisions regarding any additional areas for
14 rulemaking at last year's discussion of this item.
15 It really to allow staff to focus on the Agency's
16 then ongoing rulemaking activities. However, now
17 that our largest regulation package has been
18 completed, we are able to turn our attention to more
19 constructively to discussing future rulemaking
20 proposals.

21 But before going directly into our
22 recommendations regarding rulemaking we wanted to
23 start off by level setting a bit. We know some
24 members have not been through this whole process from
25 the beginning before. And so, we wanted to do a

1 slight review of the Administrative Procedures Act
2 requirements for adopting regulations. And so with
3 that, I'm gonna turn to my colleague and the champion
4 of the legal division, Ms. Colson, to go over those
5 details.

6 MS. COLSON: Thank you.

7 CHAIR URBAN: Everybody's a supremo.

8 MR. LAIRD: I agree.

9 MS. COLSON: Thank you, Mr. Laird. And
10 good morning to all the board members.

11 Can I get the next slide, please? Can we
12 turn to -- okay. Thank you. All right.

13 So, we just thought this would be
14 helpful, not only to the board members -- but
15 especially our new board members, but also to the
16 public, who may not be familiar with the
17 Administrative Procedure Act, which we frequently
18 refer to as the APA, that has California's rulemaking
19 requirements. So, as a quick review, we're going to
20 go over, it sets forth six requirements that proposed
21 regulations must meet to be approved by the Office of
22 Administrative Law.

23 The first two standards are authority and
24 reference. Authority means there's a provision of
25 law that permits or obligated the Agency to adopt,

1 amend, or repeal a regulation. Reference means the
2 law we were implementing, interpreting or making
3 specific. For our agency, the reference is the CCPA
4 as amended by the CP or the Delete Act. We adopt
5 regulations to implement, interpret, and make
6 specific, both of these laws.

7 As for authority, our rulemaking
8 authority for the CCPA comes from Civil Code Section
9 1798.15A and B. Subsection A is very specific and
10 identifies over 20 topics for which we have authority
11 to adopt regulations, but we also have broad
12 authority under subsection B to adopt additional
13 regulations, as necessary, to further the purposes of
14 CCPA. Our rulemaking authority for the Delete Act is
15 found in Civil Code Section 1798.99.87, which states
16 that the Agency may adopt regulations to implement
17 and administer the Delete Act.

18 The second -- I'm sorry. The next is
19 consistency. This means that our regulations have to
20 be in harmony with and not conflict with other laws.
21 So for example we can't invalidate an already
22 existing or state federal law through our
23 regulations.

24 Fourth is clarity. This is a really big
25 one. When when our regulations go through the OAL

1 review process, clarity means that the regulations
2 have to be written in plain straightforward language
3 that will be easily understood by persons directly
4 affected by them. This requirement is specifically
5 about how the regulation is written. For example, we
6 can't use words like "reasonably" or "generally"
7 without some further clarification in the form of
8 definitions or examples, because then we wouldn't
9 make the clarity standard. You may recall that we
10 raised this issue of clarity a lot with regard to the
11 last rulemaking package.

12 Fifth, we have non-duplication. This
13 means that the regulation does not serve the same
14 purpose as a statute or other regulation. While we
15 sometimes do summarize things in our regulations for
16 ease of reference for people, we're supposed -- we
17 are not supposed to write regulations that just say
18 the same thing as the law.

19 And finally, necessity. This requirement
20 means that the regulation is necessary to effectuate
21 the purpose of the statute or other provision that
22 the regulation implements, interprets, or makes
23 specific. In our previous rulemaking packages, this
24 requirement has generally been met because we were
25 operationalizing the law, and the statute

1 specifically required us to adopt the regulations on
2 certain topics. But we are now at the stage where
3 the statutory required rulemaking topics are behind
4 us, as the Chair mentioned. So we are now thinking
5 about this requirement as we assess and advise the
6 Board on rulemaking priorities. Some of the
7 questions that we are asking ourselves to think
8 through these rulemaking topics are whether a
9 regulation is necessary to assist consumers in
10 exercising their rights, avoid or mitigate privacy
11 harms, including from threats, or help businesses
12 better understand, operationalize, and comply with
13 the law.

14 Our recommendations today identify topics
15 that may meet this necessity standard. And so I'm
16 going to now turn it over to my colleague, Lisa.

17 MS. KIM: Yes. And if we can have the
18 next slide. So, the next question is, what do next
19 steps -- like, what next steps would look like
20 essentially in this process? And to be clear, if the
21 Board agrees that staff pursue the rulemaking topics
22 that we recommend today, staff would begin by
23 engaging with and investigating the topics to more
24 fully assess where there is a need for regulations
25 and what those regulations would be.

1 So in other words, after receiving
2 direction from the Board, our next steps would be to
3 engage in preliminary rulemaking activities. If you
4 look at the slide, to just take a step back and look
5 at the entire rule making process, this slide shows
6 where we would be in that process. And you'll notice
7 it's right at the beginning. We would be in
8 preliminary activities. And the benefit of this part
9 of the process is that we have less restrictions on
10 how we engage with the public during this time
11 period. We also don't have a strict deadline by
12 which we have to complete the rulemaking process,
13 because that one-year deadline does not start until
14 we actually file a package with the OAL, with regard
15 to a notice of preliminary rulemaking.

16 More specifically -- the next slide, if I
17 can have the next slide. This next slide identifies
18 what those preliminary activities would likely
19 include. And so, we would start with conducting our
20 own independent research internally. This would
21 include leveraging our own staff's expertise and
22 experience in these areas as well as reviewing
23 relevant studies, reports, and other published
24 resources. We would also be engaging with academics
25 and experts and other thought leaders on the topics

1 through both formal and informal engagements. For
2 example, we may elect to have public information
3 sessions.

4 Third, we would be engaging with
5 stakeholders and consumers. Specifically, we intend
6 to invite stakeholders and consumers to publicly
7 comment on this top on each of the topics, including
8 in response to specific questions that we'd like them
9 to give us feedback on. And then finally, we would
10 also be engaging with other agencies and
11 jurisdictions with concurrent or adjacent
12 jurisdiction.

13 So, if we can have the next slide. So
14 with this background, I will move on to the staff's
15 recommendations regarding the rulemaking priorities
16 for the near future.

17 CHAIR URBAN: Could I interrupt you for
18 one second, Ms. Kim? Well, interrupt you for a
19 moment, I think, to ask about the preliminary role
20 making activities. I'm -- don't -- I'm not pressing.
21 I -- let me just back up and say. So, my
22 understanding is that the recommendations that staff
23 will give us is related to the use of resources by
24 staff and the -- using the resources of the staff in
25 order to engage in preliminary rulemaking. You need

1 some guidance about the areas in which to do that. I
2 understand. And I brought that up first because I
3 know this is a resource question. Mr. Liebert has
4 mentioned a couple of times, and I have also really
5 valued the previous stakeholder sessions we had and
6 the expert forum that we had when we were developing
7 information that ultimately supported the two large
8 packages of regulations. And I just wondered if
9 those were possibilities that could fit into this
10 bucket.

11 MR. LAIRD: I can go ahead and take that
12 one just because first of all, yes. The short answer
13 is yes, absolutely we can, and we're excited to do
14 so. One point of clarity though, because I think
15 this may come up also when we talk about the annual
16 calendar, is really just making sure we have a good
17 sense of the Board's expectations of their engagement
18 in these sessions.

19 Certainly staff can set up one of these
20 sessions, sort of, any time for a sort of a staff
21 level engagement and opportunity to hear from the
22 public or for certain stakeholders. If a majority of
23 board members want to attend, and for instance, ask
24 questions and participate in a session like that, we
25 would need to then still comply with Bagley-Keene.

1 And so I raised that point just because, depending on
2 whether or not it's a matter of board members want to
3 hear that feedback, you know, maybe either during or
4 after the session, that can sort of be done
5 individually by board members at any time, based on
6 something staff has put together. But if at any
7 point the Board would like an opportunity to
8 actually, you know, sort of have that two-way
9 dialogue with stakeholders participating, or to learn
10 more about a certain topic, we would just want to
11 make sure we schedule that as a Bagley-Keene
12 compliant meeting.

13 CHAIR URBAN: Thank you. And that does
14 tie to resources, because we do realize that we are a
15 production to some degree.

16 Mr. Liebert?

17 MR. LIEBERT: Thank you for that, Phil.
18 Yeah.

19 I again, want to encourage the Board to
20 think about the benefits now as we're becoming more
21 and more mature over the years, that we actually
22 dedicate time for education of ourselves and,
23 frankly, of the public as well. And I know that this
24 may have implications in terms of the possibility of
25 using, for example, a Thursday afternoon meeting

1 prior to another board meeting on a Friday for that
2 type of educational purpose. But in answer to your
3 point, Phil, I do see it as at least a two-way, if
4 not a three or four-way conversation where we can
5 have board members interact with members of the
6 public who want to speak about various key issues.
7 Some that you've identified here potentially as
8 potential regulatory issues. Academics, members of
9 the of the technology industry, all the different
10 stakeholders, to have that type of process available
11 that we don't normally have in a typical board
12 meeting. And I think that could be really
13 advantageous in a lot of different ways. So, I still
14 encourage that and hope that maybe this -- these
15 examples of the regulatory investigatory process,
16 now, would really lend themselves to that type of
17 process.

18 CHAIR URBAN: Thank you, Mr. Liebert.

19 All right, now that we've said do more
20 with less, please go ahead to the topics.

21 MS. KIM: Great. So, we have four
22 recommended topics for this -- the Board to consider
23 today. And I'll start and go through, describe them
24 each in greater detail.

25 So number one is employee data. And as

1 you know, the definition of "consumer" under the CCPA
2 includes all California residents, including
3 employees or job applicants, independent contractors,
4 and such. There was initially an exclusion for
5 employees and independent contractors, but that
6 provision sunset back in 2023 -- or 2023. So
7 after -- over the years, we've received a significant
8 amount of feedback on issues related to employees,
9 independent contractors, job applicants, and how the
10 CCPA applies to people within the work context. This
11 is also a topic that that the Board has previously
12 identified as needing attention in our future rule
13 making. So, topics we intend to explore on this
14 subject would include whether there's any need for
15 clarification on how the CCPA applies to employees
16 and business practices in the management of employee
17 data, and whether regulations can assist or clarify
18 for businesses how to provide the necessary
19 disclosures to their employees as well as how to
20 process employees data requests or employee CCPA
21 requests specifically.

22 Moving on to the second topic. It's --
23 we've identified disclosures and notices. So, the
24 CCPA requires several disclosures to consumers,
25 notices that collection, privacy policies, notices of

1 financial incentives, etc. And so, while these are
2 required under the law, there is also a growing body
3 of privacy scholarship that recommends policymakers
4 move away from a notice and consent regime. So the
5 questions for us here would be things like, how can
6 we make notices more effective? What are consumers
7 most interested in knowing? Where do businesses need
8 help in making disclosures? What do consumers find
9 the most confusing about notices? Another question
10 would be, whether an executive summary would assist
11 consumers and whether or not model or template
12 formats would be helpful. We would explore how we
13 can leverage academic research and consumer
14 experience to provide guidance and clarification to
15 businesses who are responsible for giving notice.
16 And this would -- this topic would also incorporate
17 multiple concepts previously raised by the Board at
18 past priorities discussions.

19 Third, reduce friction in the exercising
20 of privacy rights. As we continue to raise our,
21 public profile, we are receiving increased feedback
22 on the difficulties consumers are facing in their
23 exercising of their CCPA rights. And this feedback
24 comes to us in all different kinds of forms. They
25 come in from consumers directly, authorized agents,

1 academic studies by experts, and then also from
2 reports by community organizations. So this topic
3 specifically would explore whether there is a need
4 for any additional regulations to address things like
5 dark patterns or other hurdles consumers are
6 facing -- or consumers or their authorized agents are
7 facing in the exercise of their CCPA rights. And it
8 may include a review of identity verification and
9 authorized agent procedures, investigation to whether
10 businesses are deliberately hiding or making it
11 difficult to find opt-out pages, as recently reported
12 by Cal Matters, and evaluation of current industry
13 activity to determine if further clarifications are
14 needed in the regulations.

15 And then finally, opt out preference
16 signals. We recommend that the Board direct staff to
17 review, our regulations to see if any changes or
18 clarifications need to be made, considering the
19 changing legal landscape. As the Board knows, the
20 government -- the governor signed the California Opt
21 Me Out Act, 566, into law. While there is no need to
22 adopt regulations to implement that law specifically,
23 the governor also signed AB 1043, which implements
24 age verification signals that protect minors. And
25 this is in addition to the passage of SB 976 last

1 year, which tasks the California AG's office with
2 adopting regulations regarding age assurance and
3 parental consent. And then we also have several
4 other states passing similar opt-out bills. So staff
5 believes it would be a worthwhile endeavor to review
6 our regulations to see if there's any further need to
7 harmonize signal requirements or provide guidance on
8 how different signals should be processed. We would
9 also explore signals that would exercise a consumer's
10 right to limit the use and disclosure of sensitive
11 personal information. And we would also collaborate
12 with other agencies and jurisdictions to determine
13 whether age assurance or other state agencies or
14 other state signals should be considered opt- out
15 preferences under our law.

16 So those are the four areas the staff
17 recommends engaging in for preliminary rulemaking
18 activity.

19 MR. LAIRD: And I'll just say, those are
20 just a few trivial ideas; right? No, I'm kidding.
21 Because I'll just close briefly by saying those are
22 obviously very big topics, very wide open-ended
23 subjects. And so we do anticipate that research and
24 inquiry will take some time. Our plan would be to
25 immediately commence pre-rulemaking through the

1 various means that we described earlier, and then
2 return to the Board with more specific
3 recommendations as they come into focus from a staff
4 level.

5 So one thing I'll note is that we don't
6 intend to proceed with multi-topic packages like
7 we've done historically. Instead, we plan to present
8 more targeted recommendations that seek to address
9 perhaps only one or two policy issues at a time. And
10 through this approach, as you can imagine, it means
11 we'll return to the Board at various meetings
12 throughout the next year and beyond with specific
13 proposals falling into at least one of the four
14 categories discussed today as they are ready.

15 So again, thinking of our very massive
16 package that cut through virtually every privacy
17 issue in one way or another previously, the goal
18 would be to really focus on topics, focus on policy,
19 and not necessarily combine those, but give the
20 opportunity to focus on them and at the same time, we
21 think that'll achieve an efficiency actually of being
22 able to move those packages through a little bit
23 faster.

24 So, of course, we will be happy to update
25 the Board on our progress as we move through 2026 as

1 well. But I wanted to make clear at the outset that
2 this path will have us coming back to the Board at
3 different times with different proposals. We don't
4 just assume we're going to have across the Board
5 update at our very next meeting on all four subjects.
6 Instead, we'd like to give these time -- each topic
7 the appropriate amount of time to sort of ripen and
8 develop in terms of our research and our stakeholder
9 engagement and then bring you truly, you know, sort
10 of thoughtful data driven and stakeholder sort of
11 engaged topics as we're ready.

12 So with that all said, happy to field any
13 questions. We really look forward to this discussion
14 and any suggestions from the Board both about
15 subjects or process. I just want to make clear
16 already some great suggestions about how we lead
17 informational sessions and the great thing about
18 pre-rulemaking, as discussed earlier, is sort of the
19 world is our oyster. We have a lot of options on how
20 we proceed. And so, happy to leverage any thoughts
21 or suggestions from the Board.

22 CHAIR URBAN: Thank you very much to the
23 team.

24 Ms. Hamer?

25 MS. HAMER: Yeah. Two hopefully pretty

1 easy questions, but do you have a prioritization in
2 mind for these? Do you have a prioritization in
3 mind? How did you come to these, you know, kind of
4 along the same lines as my prior questions? And were
5 there -- because they're big buckets. They cover a
6 lot of territory. Were there any other buckets that
7 you thought about and declined to put forth?

8 MR. LAIRD: Excellent questions. Taking
9 actually the latter question first, I'll just say --
10 well, no, I'll start with the first. In terms of
11 priorities, the good news is we have a good sized
12 legal division and full of talented experts. And so,
13 where some of our rulemaking packages took sort of
14 the energy of the entire legal division previously,
15 my goal would actually be to tackle these topics
16 simultaneously sort of divided among our staff. So
17 the short answer is the priority is all four at this
18 stage. But I do recognize some certain subjects,
19 employee data, that's a pretty big topic with a lot
20 of sort of potential pathways. And so something like
21 that may take longer for us than, for instance, a
22 review of the signal requirements and coming back
23 with sort of targeted recommendations there.

24 In terms of the topics we chose -- and
25 I'm going to I'm going to turn to Ms. Kim to let --

1 to fill in any gaps I leave. A few things motivated
2 this as was alluded to by the Chair. The Board has
3 previously identified sort of specific slightly more
4 targeted concepts in the past, and we are not by any
5 means ignoring that list. In fact, that influenced a
6 lot of these topics because we thought these covered
7 the majority of what has been raised previously by
8 board members. But we recognize instead of sort of
9 just continuing to focus on very specific ideas, this
10 is really that opportunity to do broader information
11 gathering and really assess actual harm happening
12 today in the real world and see where we could be
13 most effective for consumers and also for businesses.

14 That was another point I wanted to
15 emphasize is earlier, I think we heard a comment
16 about, we just finished one rule making. Businesses
17 need time to come into compliance with that. One
18 theme in Mrs. Kim's -- Ms. Kim's remarks that I just
19 emphasized was, how we can help businesses, how we
20 can make guidance more clear, how we can make
21 standards more achievable. And so, I hope when any
22 business listening in today hears that, we want to do
23 more rulemaking, we have them at the front of our
24 mind as well, and thinking about what is not working
25 in our regulations, what is creating, you know, a

1 regulatory sort of nightmare for them or complex
2 situation or conflict even potentially and how can we
3 resolve that? And certainly as new technologies and
4 practices are evolving, how can we provide greater
5 clarity of how our existing standards map onto those
6 new scenarios that businesses are encountering. So I
7 want to be very clear. This is for their benefit as
8 well and not necessarily just as a means to create
9 new requirements for the sake of doing so.

10 With that said, Ms. Kim, do you want to
11 fill in a little bit more on our thinking of
12 what's --

13 MS. KIM: I think he covered. Mr. Laird
14 is very good at this.

15 CHAIR URBAN: Thank you. I -- Mr.
16 Liebert has a question or comment as well.

17 I'd like to follow up on Ms. Hamer's
18 questions and your response, Mr. Laird, briefly if I
19 could, to highlight the possibility under item two,
20 disclosures and notices -- to develop model or
21 template forms as well as other methods for making
22 notices both easier to understand for consumers and
23 implementable by businesses. I just wanted to say a
24 brief word about that because it is a -- quirk is
25 maybe not quite the right word. It is a feature of

1 the Administrative Procedures Act in California that
2 we can't just make model notices for businesses. And
3 we have to use a rulemaking process, as I understand
4 it, to do a lot of those things, if they're specific
5 enough.

6 We've had, you know, a lot of comments
7 from particularly trade associations for small
8 businesses, whom I really wanted to help. And I
9 wanted to be sure that they understood that if this
10 is something that the staff finds would be helpful,
11 would pan out, would be something that we could do.
12 That would be very directly targeted at helping both
13 the consumers understand, but also the businesses
14 with implementation. And it's just something that I
15 think is not necessarily intuitive for people. I've
16 been asked for guidance so many times -- specific
17 guidance on things. I understand it. I know we'd
18 love to provide it and we do have to follow the
19 process to make sure the public always has a seat at
20 the table. That -- so that's one example of where I
21 think that sort of two-sided benefit is important.
22 And I have without meaning to departed a little bit
23 from Ms. Hamer's comment.

24 I'm sorry, Mr. Liebert. Please go ahead.
25 And then Mr. Mactaggart.

1 MR. LIEBERT: Well, I think these are
2 excellent recommendations. And they cover a lot of
3 territory, really important territory. And I very
4 much appreciate the point you made that we very much
5 want the business community involved in this process
6 so that we can get these approaches as reasonable and
7 right as possible.

8 I want to focus again on one of my major
9 areas of concern that I've talked about at other
10 meetings. And that is on the disclosure and notice
11 process. The one kind of consensus I think I found
12 over the years is that whether you're a business or a
13 consumer, no one thinks this process is working well
14 at all. We all go through it. I wanted to download
15 an app this morning and I got that famous screen that
16 we all get which is in order to use that service, I
17 agree to all of the terms of service. And I also
18 have read the 60,000 word privacy policy. Did I do
19 that this morning? I did not. I did what we all do,
20 at least most of us, and that is we get in the car
21 and drive it even though we know we may not be safe.
22 And so to me this is a really critically important
23 issue. The system's not working.

24 I don't know what the answers are. As
25 you just alluded to, Madame Chair, maybe it's the old

1 nutrition label idea, though other academics have
2 downplayed that as well. It's too simplistic. I
3 know it's not fair to a lot of businesses because it
4 is useful, in a way, for regulators as I've learned
5 to see all of these types of issues put down in
6 writing in a privacy policy. But it's not for the
7 consumers and it's not for any of us when we sign up
8 for these products. It's a false system of privacy.
9 We have to address this. So, I'm very excited that
10 that's one of the issues that you've chosen.

11 The other one that I want to note that
12 has obvious complexity is the legislature, as you
13 know well, is focusing on employee rights right now
14 in these areas. And so working with the legislative
15 community on this will be super important for us to
16 get this right. I know you know that, but that has
17 its own complexity as those efforts are being made in
18 the legislature. And of course, I just think this is
19 a great set of issues for us to look at. And I hope
20 we can at least do some of them through a formational
21 process as well, so we can all talk about these
22 issues in a longer period of time where we're not
23 pressed for doing it in a half hour or an hour or
24 whatever.

25 So, really appreciate all the great work

1 that you put into coming up with these. Thank you
2 very much.

3 CHAIR URBAN: Thank you, Mr. Liebert.

4 Mr. Mactaggart?

5 MR. MACTAGGART: Sorry. So, question is
6 for Mr. Laird. Is it your intention that like right
7 now, on these topics, you would get our feedback on
8 an individual one? Or sort of like these are the
9 topics and we'll bring them back, and okay, now we're
10 going to discuss employee data, you know, or this
11 month it'll be something else. What's your the --
12 what's the process or --

13 MR. LAIRD: Yeah, great question. I
14 mean, I think it's a little bit of both in sense of
15 certainly we welcome any feedback on these topics,
16 generally. And if there's sort of lurking, other
17 topics that these don't seem to cover that we think
18 are pressing and important, we of course want to hear
19 that from the Board. And at the same time, whether
20 you want to share it now or individually with me at a
21 later date, even outside of a board meeting. We also
22 welcome more specific ideas from board members about
23 these topics, about interests they have in them.
24 Again, noting that certain things that have been
25 raised at previous meetings, we've taken careful note

1 of. And so, we recognize there are certain topics
2 that you and other board members have raised in the
3 past that we think fall into these categories that'll
4 be part of our research we conduct.

5 But certainly if there's anything on your
6 mind at the moment that you think is worthy of kind
7 of raising and helping focus the types of questions
8 we ask and the type of inquiries we make, we'd be
9 happy to hear that right now.

10 MR. MACTAGGART: Okay. Well, sure. I'd
11 like to echo a lot of what Mr. Liebert just said.
12 You know, I think with the employee data, obviously,
13 it's top of mind for the legislature. And kind of
14 like with ADMT, I feel like we should defer to the
15 legislature. Let the legislature legislate,
16 especially about a different topic, which is employee
17 relations. This is a privacy bill, and I really
18 would urge us to stay in our lane and, obviously
19 cooperate them to the extent possible. But I,
20 really, as with sort of efforts to use this bill to
21 regulate AI, I would urge us not to use it to try to
22 you know step too far afield into the
23 employee-employer relationship which is an ongoing a
24 topic for the legislature. I couldn't agree more
25 with his comment about the -- you know, you just say

1 yes, except I do it all the time for the 60,000 word
2 privacy policy, completely.

3 And to the Chair's point, you know, if we
4 need -- and I don't even know with APA -- but if we
5 needed authority to be able to say "yes, we can
6 publish these model documents and that needs to be a
7 bill," that seems to me a good area. Because I think
8 this is so complicated. And like the Chair, I get
9 this all the time from businesses, and if they were
10 like, "oh know that this is a safe harbor. If I can
11 read that document and I can attest to it, that can
12 be our document." Boy, it would save a lot of time.
13 And I think it would make it easier for businesses to
14 comply with the law.

15 And then my final thing on the opt-out
16 preference signals would just be getting back to Dr.
17 McDonald's point -- would be to make sure that
18 there's an option for hey this device, whatever you
19 think about who runs this device, and who it is, I
20 want you to opt out everything associated with this
21 person and I don't have to put in my e-mail address
22 and my address and my phone number.

23 So, those are my running down that my
24 quick reaction to these topics, which I think are all
25 important and great and I'm happy we're having this

1 discussion. Thanks.

2 CHAIR URBAN: Thank you, Mr. Mactaggart.

3 I find myself in agreement with Mr.
4 Liebert and not in disagreement with Mr. Mactaggart.
5 But possibly have a softer view with regards to the
6 employee data. It is something the legislature is
7 focusing on. And as they have both said, it's a
8 crucially important area and it touches on, obviously
9 labor relations, and a lot of things. So, I think
10 that the humility is a good posture with which to
11 start and really endorse Mr. Liebert's mention of
12 working with the legislature, which I know you would
13 do anyway.

14 The reason why my view is a little bit
15 softer, I think, than Mr. Mactaggart may be, I don't
16 want to mischaracterize whose view is because we have
17 heard a tremendous amount about the privacy
18 implications of the employer and contractor and
19 employee or contracting party relationship over the
20 course of our last rulemaking. It is clear to me
21 that not only does our law cover this data and it
22 does it covers it. But that it is profoundly
23 important for the privacy of natural persons resident
24 in California, which is what consumers are defined by
25 as the statute. So I think it is actually incumbent

1 upon us to explore the issue pretty carefully, given
2 that it is under our jurisdiction.

3 That is partly for workers, but relatedly
4 I've also had questions from businesses like I --
5 this isn't how I've generally thought about this
6 issue. I haven't thought about this as a consumer
7 privacy issue. You know, I'd like to implement this
8 but I -- gosh -- I'm, you know, I just feel puzzled.
9 And so, it becomes an implementation question for
10 businesses as well. So I think it's crucially
11 important to work hand-in-hand with the legislature,
12 with the governor's office, with the labor
13 department, and so forth, and to be thoughtful about
14 how many different things we and systems we might be
15 touching, when we're working on this issue. But I do
16 think it is important. I think it's something we've
17 had questions about and heard about from the very
18 beginning of the Agency's inception. And thus I
19 think it is an important issue to explore.

20 Ms. Hamer?

21 MS. HAMER: Yes. So, I pretty much agree
22 with what you're saying. And the data flows within
23 companies regarding employee data are so different
24 than the data flows regarding consumer personal data.
25 So we do have to keep in mind the operationalization

1 of that and the impact on businesses. And then with
2 reducing friction in the exercise of privacy like
3 rights. I love that. I would also like to reduce
4 friction for the businesses in complying with what
5 they have to do, because I do think there are
6 non-public conversations or thought processes that
7 are like, "I'm going to roll the dice because I just
8 don't know what to do with the way our systems are
9 architected. How do I even comply with that and are
10 they going to come find me?" So, I appreciate the
11 comments about keeping the business in mind while
12 we're going through the process.

13 MR. LAIRD: I'll just say thank you for
14 all that feedback. Immensely helpful. And I will
15 commit right off the bat, that we definitely plan to
16 stay in touch and coordinated with the legislature
17 and other stakeholders. And I really want to support
18 what was just shared from a number of the board
19 members. You know, employee data, that one
20 especially is one where my comments earlier about
21 wanting to help businesses -- I mean, because the
22 truth is; right? CCPA applies to this data today.

23 And I want to note, you know, a recent
24 settlement approved by this Board with Tractor Supply
25 Company actually was an issue of a deficient notice

1 to job applicants about how their data was being
2 used. So, my goal threading to, you know, some
3 themes together here for -- perhaps we end up with a
4 situation where we do have a template notice now for
5 job applicants that we can help businesses
6 operationalize these rights and make sure protections
7 are in place. But it's not at sort of any detriment
8 to the business to implement. So, our goals are
9 shared and we can commit to fulfilling all that.

10 CHAIR URBAN: Thank you Mr. Laird.

11 Mr. Mactaggart, I wanted to give you an
12 opportunity to react if you have one.

13 MR. MACTAGGART: Yeah, of course. I
14 actually think that's a -- that that last comment is
15 a great one. If you could have sort of a template
16 for employee data, you know, I'm not obviously trying
17 to say that under the law that the employees are not
18 consumers. I just also think that we should keep in
19 mind that we're privacy law and it's really about
20 what happens to the employee data as opposed to
21 trying to use the law to regulate businesses in non,
22 sort of, privacy-centric ways. And I think there's
23 been a bit of an effort of that. And I think, you
24 know, for example, a lot of the ADMT stuff where it
25 would really have rendered business unable to, you

1 know, to carry this normal operations, you wouldn't
2 have been able to do some of the drafts. You
3 wouldn't have been able to, you know, do a lot of
4 what business normally does.

5 And not to defend business necessarily,
6 but you know, people want an Uber. They're going to
7 have to rely on the algorithm to get the car to them.
8 So anyway, that's -- we don't need to go there right
9 now. I think I'm not -- I'm probably a little bit
10 more on the let the legislature legislate in areas
11 that are not covered by privacy here, but let's wait
12 to see what we're doing. And I do like your idea of
13 the -- if we can get model forms, I think it would be
14 super useful for so much.

15 CHAIR URBAN: Thank you, Mr. Mactaggart.

16 And I will say the legislature must
17 legislate on things that don't relate to things under
18 our jurisdiction. So I think we're all in agreement
19 about that. That is that is the legislature's job
20 and generally it's very important to collaborate and
21 coordinate with them as well about how we're
22 exercising in our jurisdiction.

23 Do you need a motion, Mr. Laird, for us
24 to move forward. If we think that we are happy for
25 staff to start the preliminary rule making

1 information gathering process on these buckets,
2 informed by the discussion today. Or is this the
3 information you need?

4 MR. LAIRD: Yeah, I was going to say
5 legally a motion really isn't required at this stage.
6 Preliminary rule making is only that. Only once we
7 proceed to formal rulemaking, would we need some, you
8 know, legal authority from the Board to proceed.
9 We've heard, I think, the comments really well today,
10 and are taking careful notes and plan to commence
11 right away with sort of the agreement we're hearing
12 and the concurrence we're hearing from you all. So
13 not necessary. It's always allowed. They're not
14 prohibited, but not needed.

15 CHAIR URBAN: Okay. Wonderful. In that
16 case, I will ask Ms. Carwile if there's any public
17 comment.

18 MS. CARWILE: Okay, this is for Agenda
19 Item No. 4, "Regulations, Proposals, and Priorities
20 Discussion." If you'd like to make a comment at this
21 time, please raise your hand using the raised hand
22 feature or by pressing "star-9" if you're joining us
23 by phone. This is for Agenda Item No. 4.

24 Matt Schwarz, I'm going to unmute you at
25 this time. You'll have three minutes. Go ahead and

1 begin when you're ready.

2 MR. SHWARZ: Good morning. I realized I
3 may have said good afternoon last time, which is very
4 embarrassing, because it's not the case for you all.
5 Once again, my name is Matt Schwarz. I'm a policy
6 analyst at Consumer Reports. Thanks for the
7 opportunity to speak about Cal Privacy's forthcoming
8 regulatory priorities.

9 I'll focus primarily on regulatory
10 proposals for reducing friction and opt-out
11 preference signals. Through our work operating the
12 permission slip authorized agent app, as well as
13 manually guiding everyday consumers through
14 submitting rights requests, we've encountered a wide
15 range of business practices whose net effect is to
16 make exercising privacy rights more difficult than it
17 should be. These practices range from plainly
18 illegal, to simply violating the spirit, but perhaps
19 not the letter of the law. These practices tend to
20 fall into one of several buckets.

21 First, verification. Some companies
22 simply ask for more verification than is reasonably
23 necessary to complete a request. Second, some
24 companies misrepresent which states they support
25 privacy requests for, or have confusing language

1 about what states are eligible, or when rights may
2 apply in certain circumstances. This information
3 should always be clear to consumers. Third, some
4 companies' core privacy request flow simply doesn't
5 function in critical ways, including, you know,
6 broken opt-out links or invalid e-mail addresses.
7 And fourth, and perhaps most commonly, companies may
8 use inconvenient flows overall for privacy requests.
9 And that can manifest in any number of ways.

10 For example, you know, some companies
11 make it impractical for authorized agents to submit
12 requests or for them to receive updates about the
13 status of a request that they are affectuating on
14 behalf of a consumer. Some companies ask consumers
15 for excessive data to complete a request, which I
16 know came up earlier, or require them to spend just
17 kind of far longer sending a request than than is
18 necessary. And other companies forbid consumers from
19 sending more than one request at a time, which can
20 cause consumers to ultimately wait weeks to fully
21 exercise their rights at a single company. These
22 practices are already prevalent in the marketplace.
23 You know, amongst just the companies in the
24 permission slip app, we're seeing one of these
25 practices at roughly 30% of of the companies. But

1 with the passage of the California Opt Me Out Act
2 last month, it will become even more crucial that
3 consumers preferences to opt out of their information
4 being sold or shared for targeted advertising is not
5 stymied through kind of adversarial design decisions.

6 MS. CARWILE: Thank you. That is time.

7 Tim Newman, I'm going to unmute you at
8 this time. Go ahead and begin when you're ready.

9 MR. NEWMAN: Thank you. Good afternoon.
10 My name is Tim Newman. I'm providing comments for
11 Tech Equity, particularly on potential rulemaking
12 activities related to employee data.

13 The need for stronger protections for
14 workers is significant and likely increasing. For
15 example, data collection, automated surveillance, and
16 monitoring are widespread across the workforce and
17 are strongly related to negative health and safety
18 outcomes for US workers. According to a national
19 survey published by the Washington Center for
20 Equitable Growth, hundreds of tech products
21 identified by coworker.org are collecting and
22 aggregating data about workers at almost every step
23 of the labor process. The data that is collected on
24 employees is used to make highly consequential
25 decisions that impact Californians both at work and

1 throughout all sectors of their lives.

2 And now companies are increasingly
3 marketing agentic AI tools that they claim have the
4 capability to initiate and execute actions based on
5 data collected from workers. However, the National
6 Employment Law Project notes that businesses
7 increased adoption of new surveillance technologies
8 threatens the efficacy of a wide range of existing
9 legal protections for workers and exploits missing
10 protections in other areas. Even Cal Privacy's
11 regulations related to ADMT's allow almost all
12 companies to avoid accountability, exempting 90% of
13 entities covered by this Agency.

14 As you further explore this topic, we
15 encourage board members to review recommendations
16 previously submitted collectively by 45 different
17 organizations and unions, including Tech Equity in
18 January of this year for ideas on how to strengthen
19 regulations related to employee data. Californian
20 workers are concerned about the impact of AI on their
21 livelihoods. Recent polling commissioned by Tech
22 Equity found that a majority of Californians, 55%,
23 are more concerned about the future of AI than
24 excited. Over two-thirds of Californians want the
25 government to establish safeguards around AI systems

1 and personal privacy is one of their top concerns.

2 And workers want a voice. Polling by
3 Gallup found that US employees who say they have a
4 lot of influence over which technologies are adopted
5 in the workplace, are more than twice as likely to
6 report high job satisfaction. To ensure that
7 rulemaking effectively meets the needs of workers,
8 meaningful consultation is necessary in the work
9 setting. Harms from the collection and use of worker
10 data result from a power imbalance between employers
11 and employees. This same principle applies to the
12 regulatory process. Industry associations
13 representing employers and the tech companies that
14 profit from widespread collection and use of employee
15 data have enormous resources and influence when
16 compared to workers. We have previously shared our
17 perspective that Cal Privacy's recent regulations on
18 ADMT's were weakened with every successive round of
19 industry lobbying. Moving forward, we hope for less
20 engagement.

21 CHAIR URBAN: Thank you, that is your
22 time. Oh, no it's not. Sorry, that was -- I
23 apologize Newman. That was an alarm. That was not
24 related. I will stay out of the moderation and I
25 apologize for interrupting you.

1 MR. NEWMAN: No, no worries. No worries
2 at all. Moving forward, we hope for a robust
3 engagement process with unions, experts, and impacted
4 communities to ensure that any rulemaking process is
5 responsive to the realities of working people. Cal
6 Privacy can continue to be a leader of the nation.
7 As the only state privacy regulator in the US, we
8 encourage board members to use your mandate and
9 authority to deliver deliver protections for workers
10 and we look forward to continuing our engagement with
11 the board members and just wanted to extend a warm
12 welcome to Board Member Hamer.

13 MS. CARWILE: Thank you. That is your
14 time.

15 Alicia McDonald, I'm going to unmute you
16 at that at this time. You'll have three minutes. Go
17 ahead and begin when you're ready.

18 MS. MCDONALD: Thank you so much. Loved
19 the comments in this last section. Let me raise a
20 comment that I heard go by briefly from Committee
21 Member Mactaggart around the idea of California
22 having adequacy for GDPR. In particular, let me also
23 tie that to the questions around notice and choice
24 and removing friction from users decisionmaking in
25 the following regard.

1 Because in Europe, where I am right
2 now -- greetings from Portugal -- we opt into
3 tracking rather than opt out of surveillance. That
4 means that we no longer have the Agency problem where
5 companies are incentivized to make it difficult for
6 people to make decisions and effectuate those
7 decisions. So I would like you to consider that we
8 actually have a different series of threads that all
9 come together here. I know this isn't something that
10 you're really necessarily expecting to take on today,
11 but moving to a situation where perhaps people are
12 instead presented with an opt-in or opt-out choice
13 rather than a default, that might be something that
14 moves in a direction that gets to more fairness -- or
15 to actually match the EU standard, which would then
16 make it easier to get adequacy for GDPR by far.

17 So, I think those are things that might
18 be interesting to think about from the perspective of
19 user choice since we know that notice and choice does
20 not serve people, and the comments made about, you
21 know, I get in the car even though I know it might
22 not be safe to drive and that we all click yes
23 without reading things. All of those are great
24 comments. It's been decades we've been building this
25 record and Chairwoman is very familiar with all of

1 the work on this and I appreciate her work on it too.
2 Thank you very much for your time. Something to
3 think about.

4 MS. CARWILE: Thank you for your
5 comments. Again, this is for Agenda Item No. 4,
6 "Regulation Proposals and Priority Discussions." If
7 you'd like to make -- if there are any other members
8 of the public that'd like to speak at this time,
9 please go ahead and raise your hand using Zoom's
10 raised hand feature or by pressing "star-six" if
11 you're joining us by phone. Again, this is Agenda
12 Item No. 4.

13 Greg, I'm going to unmute you this time.
14 You'll have three minutes. Go ahead and begin when
15 you're ready.

16 MR. GREG: Hi, thank you for letting me
17 speak.

18 I'm a consultant and I've been working in
19 the area of verifiable credentials, which are digital
20 credentials beyond just digital drivers license or
21 digital ID. And I'm particularly working on the area
22 of standardizing these at places like the Worldwide
23 Web Consortium and the IETF, and working on privacy
24 enhancing aspects of those. So, it's a new area, but
25 we have all the potential tracking issues like we

1 have on the web and mobile apps. So, I don't know if
2 it belongs under recommended topics or future topics,
3 but I wanted to bring that up and invite folks we
4 can -- I work with the, once again, the IATF and the
5 W3C as an invited expert on this area, and we've got
6 all the same concerns about privacy. And it's just
7 one more place that we have potential for a lot of,
8 you know, helping out businesses, helping out
9 consumers by using digital IDs. But we also have a
10 lot of privacy concerns and we're trying to promote
11 that -- and so I just open that up and I've got --
12 I've done a number of presentations for the -- at the
13 W3C and things like that on this topic. Whether it
14 belongs here or future, I'll leave that to you guys.

15 Thanks for letting me speak.

16 MS. CARWILE: Thank you. Again, this is
17 for Agenda Item No. 4, "Regulation Proposals and
18 Priorities Discussion." If there are any other
19 members of the public, please go ahead and raise your
20 hand at this time.

21 Madame Chair, I'm not seeing any
22 additional hands raised at this time.

23 CHAIR URBAN: Thank you, Ms. Carwile.

24 Thank you very much to the members of the
25 public. And I will leave moderation to the

1 professionals next time. I again apologize to Mr.
2 Newman and do appreciate his comment.

3 I'm going to go ahead and call Agenda
4 Item Number 10 with the plan that we would discuss
5 that over lunch. It is the closed session item. But
6 before I do that, I need to briefly confer on a
7 process issue with Mr. Laird and Mr. Kemp.

8 (Whereupon, the proceeding was
9 interrupted by a technical issue.)

10 CHAIR URBAN: All right. Thanks everybody
11 for your patience while we dealt with a technical
12 issue, which was about the coverage of the closed
13 session item. So we will proceed to closed session,
14 leaving this room to discuss personnel matters, under
15 authority of Government Code Section 11126-A1.

16 Please note that the agenda for today's
17 meeting does include another item, 10B, for the Board
18 to meet in closed session to confer and receive
19 advice from legal counsel regarding litigation, for
20 which disclosing the names would jeopardize the
21 Agency's ability to conclude existing settlement
22 negotiations to advantage. That sub item, however,
23 will not be heard in closed session today. And
24 therefore, that -- while it is on the agenda, in case
25 we did have it to discuss we do not. We will focus

1 on the personnel matters item.

2 With that we will go into closed session.
3 We will not be back before let's say 12:45, in case
4 folks who are attending would like to get some lunch
5 or otherwise take a break. We'll make sure not to
6 come back before then. Thank you very much.

7 (Whereupon, a recess was taken for
8 a closed session.)

9 CHAIR URBAN: Welcome back to the
10 California Privacy Protection Agency board's November
11 7th, 2025 meeting. The board is now returning from
12 closed session, which was Agenda Item Number 10. We
13 have completed that item and we will move forward
14 with Agenda Item Number 5, a presentation on the
15 delete request and opt out platform, commonly
16 referred to as drop. That'll be an update and a
17 presentation presented by our general counsel, Phil
18 Laird, our CPPA attorney, Liz Allen, and is -- Art
19 Andrusov will not be joining us, but he will be here
20 in abstentia through the system that you are about to
21 experience. So, thank you Art for everything that
22 you've done.

23 I believe that we do have a slide
24 presentation for that and we'll ask everybody to turn
25 their attention to to it, and otherwise I will simply

1 turn it over to the presenters.

2 MR. LAIRD: Thank you, Chair Urban.
3 We're really delighted and excited to share this
4 presentation today. You've already discussed and
5 heard a lot about the DROP system from past meetings,
6 as well as in today's meeting earlier. And so today
7 we get to take you on a little tour of what it's
8 looking like in in lead up to our launch on January
9 1st of 2026.

10 Before we get started in just a few, I'll
11 start by celebrating a few folks. I was thinking
12 about it, and in many ways this system is a tale of
13 two directors. We have, obviously, Director Kemp,
14 who's with us now, who also then was advising and
15 behind the legislation that directed our Agency to
16 create this system. At the same time when this
17 legislation first passed and we had to start thinking
18 about how are we going to build the thing, we had the
19 fortune of having Ashkan Soltani as our director and
20 much of the design of this system is to his credit
21 and to his sort of thinking through what privacy
22 protection means in the law and what privacy
23 protection means in practice for a state system. So
24 I want to start by honoring and recognizing our two
25 directors for their contributions to this system.

1 Secondly, I have to absolutely recognize
2 the immense efforts of Liz Allen, the attorney next
3 to me, who has done way more than legal work to get
4 us to where we are on this project. Again, from the
5 moment this bill passed, she was the first one to
6 create the registration within the Agency and from
7 there has also been just a not just an asset, the
8 asset to help us get to this point for development of
9 the system. Artem Andrusov is also our chief of IT
10 who has also been a significant player in helping get
11 this system to where we are today. He was slated to
12 be here, but unfortunately was taken ill, so I'm
13 sorry he's not able to join us. But he is with us in
14 spirit. I'm sure he's watching online somewhere at
15 the moment, and again, has just been a crucial
16 partner.

17 It was mentioned earlier and I'll say it
18 again, the Department of Technology has also been a
19 crucial partner. You know a new agency with such a
20 monumentous task was -- really had a lot to do here
21 and we recognized that there are resources and
22 departments bigger than ours and with further, sort
23 of, depth of knowledge and experience that we could
24 leverage. And so it it was a a great partnership
25 we've entered into with the Department of Technology

1 as well.

2 Finally, I am very very delighted to
3 introduce you to the person to my left, Marissa
4 Rosenblatt, who joins us now at the Agency as the
5 assistant deputy director of public and external
6 affairs overseeing the DROP system and the Delete Act
7 implementation generally. So she -- it was
8 referenced earlier, a sort of product manager had
9 been brought on to kind of oversee these, and that is
10 Marissa. I say I'm delighted because, until now, I
11 sort of was the deputy director in charge of this
12 thing and that's kind of crazy. But now we have
13 somebody truly with just the skill set and expertise
14 and background to bring the system to the next step
15 and to bring it to the public and so I'm delighted to
16 have her on board. It's -- she's closing out her
17 third week with us and is already running meetings
18 and everything. So, Marissa, welcome.

19 CHAIR URBAN: Welcome Ms. Rosenblatt.
20 It's wonderful to have you.

21 MS. ROSENBLATT: Thank you so much. It's
22 wonderful to be here and to meet you. I'm really
23 excited. The team has been great. And we're doing
24 some really, really cool work. So, really excited.
25 Thank you.

1 MR. LAIRD: I promised I wouldn't really
2 put her on the hot seat too much today. Again, third
3 week on the job. But, with that said, we're delighted
4 to go ahead and kick off our presentation.

5 So, I'm going to turn it over to Liz.
6 And can we move to the next slide, please.

7 MS. ALLEN: Yeah. Great. So, just for
8 the benefit of the public and to kind of situate
9 ourselves in history, we'll do a brief perusal
10 through the data broker laws in California. Of
11 course you know states have developed data broker
12 registries to help bring data brokers and their sales
13 practices and collection practices out of the
14 shadows. And they help make consumers more aware of
15 the businesses and the impact they can have. And
16 they of course allow us, as regulators, to have
17 better visibility and oversight into the industry.
18 And this is not a, you know, well it's a relatively
19 new concept. But 2019, the first data broker law
20 passed in California. The attorney general -- the
21 Office of Attorney General administered this law.
22 And the bill was specifically created to make it
23 easier for consumers to exercise their new rights --
24 the new CCPA rights that had gone into effect in
25 2020.

1 So, the registry lines -- the registry
2 bill -- sorry, the Delete Act line. The data broker
3 registry bill lines up closely with the CCPA using
4 many of the same, definitions, like the definition of
5 personal information, the definition of sale. Those
6 are all pulled from the CCPA. And the attorney
7 general administered this for three years. And of
8 course, importantly, it defined data broker in the
9 California law. Like what does it actually mean to
10 be a data broker, which is a business that knowingly
11 collects and sells to third parties the personal
12 information of a consumer with whom the business does
13 not have a direct relationship. And the AG of course
14 set up the registry and and it was funded by -- it's
15 funded through its own fees -- through the fees that
16 data brokers pay to register. So with Tom Kemp's
17 help, our agency executive director -- although at
18 the time not working for the Agency -- they built --
19 they created a new bill. And it was called the
20 Delete Act and it was signed into law in 2023. And
21 recently I'm -- is this the next slide? I think this
22 is the next slide. Sorry, I need to tell you to go
23 to the next slide. There you go.

24 So in 2023 -- and so this the Delete Act
25 updated the registry requirements, and then of course

1 it transferred the registry from the attorney general
2 to Cal Privacy, and then added this big requirement
3 to build the accessible deletion mechanism, which is
4 where consumers can send a single delete request to
5 all the data brokers on the registry to help them
6 effectuate their CCPA delete requests in a much
7 faster and more streamlined manner. And Sb 361 is
8 the newest law in the group, which passed this --
9 just this year. And it adds additional registration
10 disclosures about collection of certain personal
11 information, including new categories of sensitive
12 personal information. It also requires the disclosure
13 of sales of personal information to certain entities.
14 These are all defined terms, like foreign actors,
15 developers of GenAI, and the federal government. So
16 we'll be getting additional information in the 2026
17 registry which will -- so all of this will be
18 implemented in the DROP.

19 So, let's go to the next slide. Okay.
20 So let's just take a quick reminder for folks that a
21 data broker is a specific definition within the
22 statute. And up here you'll see that a business --
23 so I read the definition before, but I just want to
24 say that sale to third party business, personal
25 information, consumer, these are all defined terms in

1 the CCPA. So we import those definitions in the law.
2 Direct relationship had no definition. So we have
3 defined that in our regulation package, which you
4 mentioned is -- will be in effect in January, defines
5 direct relationship to mean that the consumer
6 intentionally interacts with a business. And of
7 course a business is still a data broker if it has a
8 direct relationship with the consumer, but also sells
9 personal information about the consumer that the
10 business did not collect directly from the consumer.
11 So, that's clarified, the definition. And will be in
12 effect for January -- the January registration cycle.

13 MR. LAIRD: We can go ahead and move to
14 the next slide, please. So, when we think about the
15 Delete Act, there's really four major components to
16 this law that we'll just briefly remind -- refresh
17 the Board on.

18 First, data brokers as described are
19 required to annually register with the Agency every
20 January to report the activities of their previous
21 year. And this is something we like to often
22 emphasize when we do presentations because I think
23 it's not always intuitive for folks that they
24 recognize that registration is not an intent to
25 operate in the coming year. It's actually a

1 declaration of the activities you've already done in
2 the previous year. So, as you can imagine, there are
3 certain situations where a new business who has never
4 brokered data before or operated as a data broker
5 will not necessarily register in January of the year
6 they start operating. They will register the January
7 following that one.

8 A second component, of course, is what
9 we're here to talk about today, use of the DROP
10 system to process deletion requests submitted by
11 consumers.

12 A third component is that data brokers
13 are also required to make certain disclosures about
14 the types of privacy rights requests they're getting
15 on their own websites and privacy policies. And then
16 they later report that as well within their
17 registration information, as well.

18 And the final component is that they
19 also, beginning in 2028, are going to be required to
20 conduct an audit every 3 years with an independent
21 auditor regarding their compliance with all of these
22 requirements in the Delete Act. That's another
23 powerful component of this law that we're excited to
24 see take take effect.

25 With that, I should mention now to the

1 Board. We talked about rulemaking priorities earlier
2 today. I will say this audit function will
3 necessitate some rulemaking. So, in addition to the
4 areas we discussed, Ms. Allen has her own little
5 project on the side she'll be working on. So, you
6 can expect some more.

7 MS. ALLEN: You're not done with me yet.

8 MR. LAIRD: You can expect more on that
9 in the year to come.

10 Next slide, please. And so again, a
11 brief refresher on the timeline we've been on. So
12 we've really had this kind of phased implementation
13 of this law. Obviously we -- Cal Privacy began
14 administering the registry back in 2024. And so we
15 have now completed two registration cycles at the
16 Agency. And then starting in July 1st, 2024, is also
17 when data brokers were required to start posting
18 those metrics that we discussed on their own websites
19 and privacy policies.

20 And then beginning in January of 2026 is
21 when we will be launching the DROP system for
22 consumers. So importantly, this is when consumers
23 will be able to start entering the system adding
24 their information. But an important nuance to this
25 timeline is that data brokers on the other side --

1 hand are not actually required to start processing
2 those deletion requests until August 1st of next
3 year. That's an eight-month gap actually between
4 when consumers can first input their request to when
5 a data broker is required to process it. And so we
6 want to emphasize that now for anybody listening and
7 for board members to really understand, absolutely,
8 we encourage folks to get in as soon as they're ready
9 and comfortable to submit on -- through our system.
10 But recognize that a submission in January won't
11 necessarily mean deletion in February; right? It
12 means ultimately deletion won't be required by law
13 until later in 2026. And that's when you will see
14 essentially all data brokers who are registered
15 actively processing these deletion requests.

16 And then finally, as was mentioned, the
17 kind of final date to to keep in mind in the back of
18 our heads is that this audit requirement for
19 compliance kicks in for data brokers beginning
20 January 1st of 2028.

21 Next slide, please.

22 MS. ALLEN: Okay. I think you've seen
23 this.

24 Oh, yeah. You have a question? Mr.
25 Liebert has a question.

1 MR. LIEBERT: Yeah. Can we go back to
2 that prior slide just for a second?

3 MR. LIEBERT: Are you going to tell us
4 at some point, looking back now, how the registration
5 process has worked in terms of compliance with those
6 those dates -- those deadlines? I'm kind of curious
7 about that.

8 MR. LAIRD: Generally, with just yeah how
9 registration has gone?

10 MR. LIEBERT: Yeah.

11 MR. MACTAGGART: Yeah.

12 MR. LAIRD: Yeah. That's a great
13 question. I mean, I'll start by saying we've seen
14 consistently, at least over the past two years, you
15 know, in excess of 500 data brokers registering with
16 us. And I would say, the vast majority do so in
17 their registration timeline. That said, I think sort
18 of we've seen registrations come in sort of at all
19 times in the year indicative of different situations
20 that I probably can't comment on, because I'm not the
21 one investigating necessarily on whether or not they
22 should have registered at a certain point or what the
23 nature of the issue was. But by the same token, I
24 think staff feels comfortable saying we suspect and
25 in fact are pretty well sure that there are other

1 data brokers out there that should be registering
2 that have not.

3 MR. LIEBERT: Do we have a sense?

4 MR. LAIRD: Oh, hard to know.

5 MR. LIEBERT: How many?

6 MR. LAIRD: Yeah, hard to know. Hard to
7 know. I think we've heard estimates from, it should
8 be double, to it should be 10 times who are
9 registered. At the same time again, I don't -- Ms.
10 Allen probably knows more details than I do about
11 what our enforcement team's up to, but they're taking
12 this seriously and they're looking wide and far about
13 who may be out there that should be registered that
14 hasn't.

15 MR. LIEBERT: Because this seems like
16 relatively a small number compared to what one would
17 assume is out there. Right, Liz?

18 MS. ALLEN: Yeah. Yeah, I -- yeah, we
19 think so. We think so. So we know Mike's team's
20 working on it. And they've already brought, you
21 know, half a dozen -- more actually, I think at this
22 point -- you know, cases to try to get folks to -- or
23 matters to try to get folks to register. So it is
24 certainly, you know, on the agenda. And I think this
25 year, now that in addition to registration, they also

1 have to do this big build as the law requires and
2 then start deleting that. And with the deletion
3 comes a different enforcement mechanism, because
4 that's a deletion request under, you know, under the
5 CCPA. And so that is \$200 per consumer per day,
6 which is just a much higher fine.

7 MR. LIEBERT: So, just one followup to
8 that. Because I know this is such an important part
9 of the whole system working, and these dates are upon
10 us. It's hard to believe that January 1st, 2026 is
11 not far; right? You know that better than I do. But
12 I'm wondering to what extent the industry -- the data
13 broker industry, is kind of advertising amongst its
14 members, "hey, you better get your act together and
15 make sure you're registered," etc. And is that stuff
16 happening that you're aware of?

17 MS. ALLEN: I think so. We just spoke at
18 the IAPP conference last week. And that there was a
19 lot of folks in attendance. People came up, and they
20 were in-house counsel, or they were outside counsel.
21 We've talked to the, you know, some of the ad broker
22 industry groups. They're certainly aware. I think
23 folks are really interested to see, you know, what
24 we're -- in terms of -- especially in terms of
25 deletion because it's like a -- that's not like as

1 simple as registration which is pretty simple. So
2 you know, we plan to have a sandbox open so folks can
3 come in in the spring and we'll we have API
4 documentation and stuff. So I think the industry is
5 awaiting that.

6 But I know -- I think the folks in the ad
7 broking space are are pretty well aware. I think
8 since the definition is, you know, wide, I think
9 there are some folks who don't know, but we are doing
10 the best we can to both promote and show up and teach
11 and offer webinars and, you know, try to and then
12 enforce, so that people are paying attention.

13 MR. LAIRD: I'd just add on to that, one
14 thing we've really been promoting and really
15 encourage any practitioners who are either
16 representing a business or advising a business or in
17 the business itself, is to really look hard at our
18 definition of data broker. Because it talks about
19 this idea of with whom you do not have a direct
20 relationship. And we further defined that in the
21 regulations to really clarify it's a data specific
22 issue. And so in terms of we recognize there's a
23 situation where a business may have a direct
24 relationship with a consumer in certain instances,
25 but in other alternative instances does not, and is

1 collecting and selling information outside of that
2 direct relationship, which is an indirect
3 relationship.

4 So I really emphasize that because I
5 suspect there are businesses out there who think
6 because they have a consumer-facing practice that
7 they are free and clear of meeting our data broker
8 definition and that just is not the case. So, we're
9 really trying to encourage people to look hard at
10 that definition and think about their own data
11 practices.

12 CHAIR URBAN: I think that's really
13 important. I have a question that's a followup to Mr.
14 Liebert's, but from the consumer side. And I know
15 we've talked about this before, so please be patient
16 with me. We always get to this in the afternoon.
17 This is my this is my problem. The DROP opens for
18 consumers on January 1st and it opens for data
19 brokers on August 1st. And so there is a lag, which
20 I think is understandable so that data brokers can
21 implement it and the system can be sort of tested
22 with the consumers first. And I think this is
23 something that Deputy Director White is working to be
24 sure that consumers understand, but I'm just
25 attentive to the fact that, information won't be

1 deleted within 45 days for consumers for that period
2 of time while we're waiting for the system to open to
3 data brokers. And it seems that that's going to be
4 pretty important for people to understand, so that
5 they don't, you know, abandon ship and think that it
6 isn't working for them. And I'm sure you're on it.
7 But just wanted to check in, I guess.

8 MS. WHITE: Thank you for that question,
9 Chair Urban. Certainly it is something that we've
10 talked about quite a bit and that's why you might see
11 in early January, February, March. We'll certainly
12 be informing the public about DROP, but you're not
13 going to really see our outreach efforts and paid
14 advertising efforts really take full steam until
15 March, because we don't want a whole bunch of people
16 to sign up in January being confused that they're
17 delayed -- not being deleted until even when the data
18 brokers access it in August, and the 45 days, and
19 then an additional 45 days before they have to
20 delete. So, just want to be really clear to the
21 public what they did is correct. It's just a timing
22 thing with this first year.

23 CHAIR URBAN: Wonderful. Thank you so
24 much, Ms. White.

25 All right, we've interrupted you long

1 enough. Please go ahead.

2 MS. ALLEN: Okay, great. Let's go to the
3 next slide. Okay.

4 So I know you guys -- Board you have seen
5 this before. But just to kind of set up some table
6 stakes here, we have essentially built -- with the
7 help of California Department of Technology -- the
8 DROP system which is like essentially a CRM and a
9 database. So we have consumers and it's a
10 double-sided platform. So on one side we have
11 consumers who are verifying their residency coming in
12 giving us a small amount of information to submit a
13 request that goes goes into the system. Data brokers
14 of course hit from the other side. They create
15 account. They've done the registration in the
16 system. They have paid through the system through a
17 third party that is connected to the system. And
18 then they pull down the their batch of deletion
19 requests. The data brokers action those requests,
20 write back a status. Kind of, was the record found
21 and deleted, was it exempt, was it not found, was it
22 opted out? And then they report that status back
23 into the system. And of course consumers then can go
24 check you know once it's been 45 days they've they
25 can go check the status of their deletion requests.

1 So yeah. And so essentially we're going
2 to go through this with a bunch more details. So we
3 have actual pictures from the system. So you'll get
4 to see screenshots from the system as it's built
5 today and we have a little video. So we're really
6 excited to kind of show you where we are in terms of
7 like actual product build and what folks are going to
8 see come January 1.

9 So let's go to the next slide. Oh,
10 sorry.

11 MR. LAIRD: I think we're going to start
12 with the slides. Apologies.

13 MS. ALLEN: Yeah, sorry. Slides first and
14 then we'll go video. Thank you. Sorry. Next slide.
15 Thank you.

16 MR. LAIRD: So now we'll go through, as
17 was mentioned, we're going to start with the consumer
18 experience. And I say that because if you think
19 about it, there's actually going to be three entry
20 points for this system. There's going to be
21 consumers, the general public coming in to make the
22 request. There's going to be registered data brokers
23 coming in to make their account, maintain their
24 account process deletion requests. And then there's
25 going to be staff from the administrative

1 perspective. We won't be sharing that that
2 perspective today but we will share both the consumer
3 and the data broker experience.

4 Next slide please. So, essentially it is
5 a three-step process for a consumer. I know it says
6 four. I'll explain that in just a second. But in
7 short, a consumer will come to our website and the
8 first thing they'll be asked to do before they submit
9 their deletion request is to verify that they are
10 California resident. We have been partnering with
11 the Department of Technology to leverage their sort
12 of state-of-the-art "identity gateway," is what it's
13 coined. And it's essentially a service for various
14 systems throughout the state where individuals can
15 have different elements of their identity verified
16 and then that signal comes back to the using
17 department to then know that it can kind of extend
18 the service to that person.

19 So the -- what's great about this system
20 is that it means that verification process, our
21 Agency actually never sees any of that data. We just
22 received the verification standard. And so this is a
23 very, you know, privacy forward, privacy thoughtful
24 approach to how we verify and make sure information
25 isn't spread too far unnecessarily.

1 Specifically within the identity gateway,
2 there are two vendors that can be two choices that
3 consumers will have to use. And I think we're
4 actually going to show that in the next slide. Oh,
5 I'm getting ahead of myself a little bit. So, step
6 two will be -- and we're going to show this in just a
7 second -- that the consumer will actually provide
8 limited personal information about themselves, and
9 we'll cover that in greater detail in just a moment.
10 And then at the end, they click submit. And that
11 essentially submits their request into the system to
12 be picked up and processed by data brokers.

13 But this fourth step that we'll show you,
14 as well, is consumers as they are interested, they
15 are never required to return to the system, but if
16 they're interested in coming back to check the status
17 of their request or to add further details of their
18 request, they can do so.

19 Next slide, please. So, here is a
20 screenshot of one of the very first things you will
21 see in the DROP system. It is to check your
22 verification. And as you -- oh, and one caveat I
23 should make for all of this, for board members and
24 those watching, everything you see is still subject
25 to change. I have to play lawyer here and explain

1 that this might this might get tweaked, words may be
2 different, layout may be slightly different. But
3 generally speaking, this is this is what the product
4 currently looks like. Essentially, the consumer will
5 start by verifying their identity and they'll have a
6 choice residency -- their residency, sorry. So their
7 choice will be to either use login.gov, which is a
8 federal program that many consumers, many
9 Californians may already have accounts for. And if
10 they already have an account for that, this would be
11 a very easy way to log into your existing account,
12 verify your residency, and then come back into the
13 DROP system very quickly. They would also have the
14 option to create a login.gov account for that
15 verification purpose, but they're not required to.

16 In the alternative, they can use this
17 other sort of personal information based verification
18 through the identity gateway, which CDT has stood up
19 in partnership with an entity called SoCure.

20 Next slide, please. Yeah.

21 CHAIR URBAN: I -- did you want to catch
22 the name? I did.

23 MR. LIEBERT: Oh, no. I just wanted to
24 ask a quick question.

25 CHAIR URBAN: Yeah, please go ahead.

1 MR. LIEBERT: So let's going back to that
2 that prior slide. Okay. No, no, no. We're on the
3 right slide. I've got it. So, sorry.

4 So Elon Musk is in charge of login.gov;
5 correct?

6 CHAIR URBAN: I believe we all have the
7 same question perhaps.

8 MR. LIEBERT: Who's who's running
9 login.gov? The federal government, right now?

10 MR. LAIRD: The federal government, the
11 General Services Administration.

12 MR. LIEBERT: Okay. And then the other
13 entity that you're mentioning is a private entity
14 in -- where is it located and and and how did you
15 come upon that? Because one of the things that's
16 going to be of concern to consumers, right now,
17 particularly in California, no surprise, is this
18 whole safety of their information issue, ironically,
19 as we're dealing with the Delete Act; right?

20 MR. LAIRD: Yeah. Excellent questions. I
21 mean, I'll.

22 CHAIR URBAN: And just -- sorry just a
23 bit, but I believe Ms. Hamer asked a similar
24 question. Tell me if I'm wrong, last time about
25 login.gov and I have a similar question. So that's

1 why I said -- well those of us at least are here in
2 person. I think this is of deep importance to us.

3 MR. LAIRD: Yeah. These are great
4 questions. I mean and there's a number of things I
5 want to say in response to that. I'll begin by just
6 saying, you know, part of the idea of the identity
7 gateway is choice -- consumer choice to choose which
8 verification tool that a consumer is most comfortable
9 with. So we understand some may have biases against
10 one version or the other, and we recognize, for a
11 variety of reasons. And so there is consumer choice
12 on which which option they would want to use for this
13 verification purpose.

14 Another thing to share is the way
15 verification services generally work is that they've
16 already amassed information on these on consumers,
17 using these systems to verify information about
18 themselves. A lot of information, I'll just put it
19 that way. And they leverage other databases already
20 with information collected on these consumers to then
21 verify against what a consumer coming into the system
22 is saying is true about themselves. So in some
23 regard, yes, they will have to put up some personal
24 information, but it's being compared with personal
25 information both services already hold on the

1 consumers.

2 I know that may be of little comfort to
3 this Board, but at the same time, I'll just
4 acknowledge in terms of how this is actually working
5 in practice. This is not sort of new information,
6 necessarily, to these organizations that are
7 conducting the verification.

8 Let's see. Beyond that you asked about
9 SoCure. I will just say, this was this is a
10 partnership first established with the Department of
11 Technology. They -- the identity gateway has been
12 established sort of with security and privacy as sort
13 of a paramount function. And so these contracts are
14 also pursuant to our State security standards and are
15 overseen by our State's, you know, Department of
16 Technology and their security teams as well. So we
17 we do have trust in our partner, a department, and
18 sort of their ability to kind of monitor and control
19 their contractors in this regard.

20 CHAIR URBAN: Yeah. Yeah. I think we
21 mentioned in the last board meeting. But also on --
22 to add that, the identity gateway is for the whole
23 state. So there's other, you know, agencies that use
24 the identity gateway. So when you go in, you're
25 using California Department of Technologies group and

1 identity verification group and that group is
2 available for the whole state. So it's not -- this is
3 not an independent contract between CCPA.

4 MR. LIEBERT: And that's if you click on
5 the use personal information gateway.

6 MS. ALLEN: Yes.

7 MR. LIEBERT: As opposed to, if you use
8 login.gov, you're going through the federal
9 government's gateway. Got it.

10 MS. ALLEN: But just -- yeah. And you
11 know login.gov for folks who have social security,
12 etc. You know, there's nearly a third of Americans
13 already have an account there. So perhaps they feel
14 more comfortable verifying, you know, with their
15 account they already have rather than giving away
16 more information. You know, we just don't know. So
17 I think optionality and education is the best we can
18 do for folks.

19 MR. LAIRD: Very good questions.

20 All right. So once you do cross that
21 verification hurdle and we've confirmed it's a
22 California resident -- and to be clear too, we also
23 thought the verification component is an important
24 component of this system in the sense that we do have
25 a responsibility, as the State also, to not put

1 forward fraudulent non-resident request to data
2 brokers, when really the purview and scope of this
3 system is for Californians.

4 MS. ALLEN: And we don't want to hold
5 everyone's driver's licenses or whatever; right?
6 All right, next slide please. So then step two,
7 they're going to provide limited personal information.
8 I've been saying it again, this is a screenshot from
9 the system. So you can see right off the bat,
1 you'll have the opportunity to enter first and last name.
0 I think we're going to show a few more screenshots
1 of this page. And in a minute, I'm going to show you
1 a video that actually shows this happening at once
1 because I know it's kind of hard to visualize
2 through screenshots. So, I'll move quickly through
1 these next few slides and just say with names,
3 in virtually every category except date of birth,
1 you'll be able to add up to 10 additional versions
4 of that. So, a name, we understand there may be
1 maiden names, nicknames, changed names. So, recognizing
6 there's different situations where you may want to
1 represent different aspects of yourself or different
7 versions of your identity. Date of birth is the
1 only one we're not going to allow you to
8 try to enter multiple versions of.
9

1 Next slide please. So as you see now,
2 date of birth, zip code. One of the sort of
3 assessments we made early on was that getting a full
4 address was actually not necessary. And so, in sort
5 of an effort to practice some data minimization with
6 the system and kind of key off just the right amount
7 of personal information to reasonably identify a
8 person, we only needed zip codes. Again, you can add
9 up to 10 of those though, recognizing people may
10 move, you know, in the course of their life. And
11 then with e-mail address and phone number, I'll
11 notice a feature you're going to see in a moment.
13 And you'll see a button that says verify next to
14 that. Again, a bit as a fraud prevention measure in
15 this system. Consumers are going to be required to
16 actually verify through a multifactor authentication
17 that they have control of either that phone number or
18 that e-mail address. So, this is very much like a
19 system you may be familiar with where you get a text
20 with a code that you have to then input and then it
21 shows, okay, this person actually holds that phone
22 number.

23 CHAIR URBAN: I think we have a question
24 from Ms. Hamer.

25 MS. HAMER: Yeah. What about the

1 situation where somebody had been related to an
2 e-mail but they no longer have control over it and
3 there's a lot of information that has been gleaned
4 through that e-mail process.

5 MR. LAIRD: Yeah, that's a really great
6 question. That is something that was a scenario we
7 definitely thought long and hard about, and we
8 recognize is still something we'd like to try to
9 address in the future. Just to be frank, I think in
1 the interest of getting this product across the
0 finish line for their deadline, we recognized there
1 wasn't a way to adequately verify and show control
1 over past e-mail addresses in that same regard. So
2 right now, the system wouldn't be able to accommodate
1 that scenario, but we are hopeful that it's something
3 we can improve upon in future iterations.

1
4 MS. HAMER: Okay.

1 MR. LAIRD: The other thing I'll note is, as
5 I'm going to explain in a little bit, these identifiers
1 essentially all go into feeding deletion requests.
6 And I say that because, in your example, perhaps there's
1 an old e-mail address associated with a lot of personal
7 information on you. Well, if it's any of these other
1 identifiers and you were matched on one of those other
8 identifiers with that same databroker, it'll still
9

1 then result in a deletion for your information,
2 if that makes sense. I recognize there may be scenarios
3 where the only identifier associated with your profile
4 is that expired e-mail address, but in the event that
5 expired e-mail address also happens to be associated
6 with the phone number that you do still have control over
7 and you enter, that's just going to be another way in
8 which a data broker will still be required to delete your
9 information. Because they're supposed to pull all
1 in -- all the information in list. And this is going
0 to make more sense when we show you the screenshots
1 that reflect the types of databases they have and the
1 types of personal information they collect.

2 MS. HAMER: Got it. I'm thinking
1 specific use cases. Somebody sells their company,
3 their e-mail goes with the new company. And
1 there's -- that e-mail probably was used for maybe a
4 decade, you know, on other things.

5 MR. LAIRD: Yeah.

1 MS. HAMER: But that's -- it's going to
6 be a challenge on that one part, but you're going to
1 look at it later.
7

1 MR. LAIRD: Absolutely. Yeah. Again, I
8 think you're hitting the nail on the head of, you
1 know, kind of the difficult but important trade-offs
9

1 we are having to consider in how we did the initial
2 construction of this. But you know, sort of getting
3 further, you know, more and more edge cases still
4 brought into this is definitely our goal. So, what
5 we're describing now is yeah --

6 MS. ALLEN: I just want to state one
7 thing, not just for the Board, but for the public.
8 Because we heard a bunch of these questions at the
9 IAPP -- at the conference we were at, which is like,
10 you know, if you as a consumer -- you might give 20
11 pieces of information, you know, so you give five
12 e-mail addresses, two phones, whatever. Those 20
13 pieces of information are just trying to find the one
14 string of a thousand data points they have on you.
15 So any one of those 20 could match or all 20 could
16 match the thousand data points the data broker has,
17 and they have to delete all non-exempt information,
18 no matter how they match it. If they match it off
19 your name, date of birth, and zip, or if they match
20 it off your e-mail, it's not that they're just
21 deleting the one e-mail. They're just using it to
22 find you and then they have to delete everything.

23 And so, we've heard some confusion where
24 people like, "Oh, if I match an e-mail, they just
25 delete the e-mail." But that's not how it work.

1 That's not how the law works. The law works, you
2 find, and then you delete everything. So, the more
3 information you get, you have 20 shots, you know, if
4 you enter 20 pieces of data. If you enter 40, you'll
5 have 40 chances. And because some data brokers hold
6 2,000 pieces of data and some only hold, you know,
7 10. And some data lists are older and, you know,
8 cleaner or less clean in terms of their database.
9 You know, your hit rate will be different. But that's
10 just also, you know -- the way the laws are written
11 is that it's not just the piece of data, it's the
12 whole string.

13 All right, next slide please. And then
14 you'll see beyond those more common pieces of
15 personal information, we're aware of other commonly
16 type -- common types of identifiers that data brokers
17 deal in a lot, and collect on, and track on that
18 consumers may have access to -- may have knowledge or
19 may not. But that they have the option to input as
20 well. An important one being a mobile advertising ID
21 which can be connected to your device. Another option
22 is your connected television ID, which can be
23 connected to your television, your smart TV, or your
24 vehicle identification number, your VIN number
25 essentially connected with your vehicle. These will

1 be optional as well, like all data points in the
2 system.

3 And we do plan to do a lot of education
4 on these more sort of new nuanced and less obvious
5 data points on consumers, including education about
6 how to find your MAID on your device, for instance.
7 So we recognize not every consumer will be
8 immediately versed in these things and so we do plan
9 to do some education on that topic. But again we
10 recognize this will capture some of those edge cases
11 or maybe not so much edge cases where the --
12 actually, the only thing associated with that
13 consumer is their maid, for instance.

14 CHAIR URBAN: I believe we have a
15 question from Mr. Mactaggart.

16 MR. LAIRD: Yes.

17 CHAIR URBAN: Please go ahead Mr.
18 Mactaggart.

19 MR. MACTAGGART: Yeah. And you just
20 touched on it right at the end there, Mr. Laird, but
21 what would be super helpful, I don't know where
22 you -- rather than just education, you know,
23 sometimes if you're on some sites, like you might
24 actually have a link if you have an iPhone, click
25 here to figure out where your, you know, MAID is. If

1 you have an Android, you know, Samsung, whatever.
2 And then same thing for the TV. Like, that might be
3 really useful to take you to a page that said --
4 because I'd love to do that, but I mean, it would
5 probably take me however long to find out where the
6 where the TV ID is, that kind of thing.

7 MR. LAIRD: Absolutely. That's our hope
8 is to make it as streamlined as possible, so people
9 can find it quickly. We're also hopeful that some of
10 our partners who are watching the system and wanting
11 to support its success will also promote this kind of
12 information to help consumers use the system.

13 MR. LIEBERT: I might have missed your
14 question, Mr. Mactaggart. The little question mark
15 after the MAID. I just went to my iPhone to try to
16 find MAID and I didn't. But I'm sure it's there
17 because I know if I went to talk to Tom, he'd show me
18 how to find it. But I'm thinking about being that 70
19 year-old consumer that someone referred to on the
20 phone today or someone else did. And and is that
21 question mark going to tell me and that person how to
22 go find the maid or --

23 MR. LAIRD: Yes. That's -- the concept
24 is with each of those we're not going to ever assume,
25 you know, everybody has the same privacy and

1 technological knowledge that the rest of staff does.

2 And so --

3 MR. LIEBERT: It'll be easily understood
4 instructions. You want to go find it, it's right
5 there.

6 MR. LAIRD: Yeah. We call it "just in
7 time information." In these designs where
8 essentially as the consumer comes to it and says well
9 what is that, they'll have the opportunity right
10 there to learn and not have to navigate all over the
11 website or something.

12 MS. ALLEN: Yeah.

13 MR. MACTAGGART: By the way, Mr. Liebert,
14 thank you. I'm blind. I didn't see the -- I wasn't
15 focusing on the question mark.

16 CHAIR URBAN: Well, the question mark is
17 just a question mark. So, I think I think the
18 question stands.

19 MR. LAIRD: I didn't show you the
20 screenshot of where it links to, in all fairness.
21 So, yes, but it will have a link.

22 MS. ALLEN: And just reminding everyone
23 that 361 also requires data brokers to report which
24 one of these of the main identifiers they collect and
25 if they don't to tell us what else they collect. So

1 we can continue to kind of iterate to help folks make
2 matches. You know, the data broker industry is vast
3 and they -- you know, lots of different type of data
4 -- types of data brokers out there and they collect
5 different pieces of personal information. So as Phil
6 has mentioned, we do expect to iterate, and 361 will
7 also help us do that.

8 CHAIR URBAN: Thank you.

9 MR. LAIRD: All right. Next slide,
10 please. All right. So, after you've navigated
11 through all of those and added the information you
12 wanted to, you'll hit submit and voila, you get a --
13 you have successfully submitted you're your drop
14 deletion request. You will then be issued a drop ID.
15 Please do not be scared of the very lengthy drop ID
16 in this screenshot. It will be much shorter. We
17 promise everyone much easier to remember or record. I
18 promise. And I can explain that feature in a moment.
19 Well, I'll explain it now.

20 Essentially, you'll have two options then
21 after you've left the system. And that is you can
22 always reverify who you are, come back into your
23 profile page, add and subtract information about
24 yourself, and see a detailed explanation of how your
25 deletion request is being processed by data brokers.

1 But if all you want to see is get a snapshot sense of
2 what's happening, how many data brokers have
3 processed, how many deleted information versus didn't
4 find information, that drop ID will be something you
5 can just enter on in on a separate page and
6 immediately get that read out. So it's a very
7 convenient tool for consumers who just quickly want
8 to get that information and not necessarily re-enter
9 the whole verification process to get access quickly
10 to that information.

11 In addition -- it's not displayed in this
12 screenshot. You'll have the opportunity to enter
13 your e-mail address to e-mail yourself this
14 confirmation page so you don't forget your drop ID
15 and also to sign up for both the Agency's newsletter
16 as well as then DROP specific updates which we don't
17 anticipate issuing information on too many -- too
18 much e-mail addresses. But for instance if we ever
19 start accepting a new form of identification or
20 something we can inform consumers so that they can
21 update their profiles.

22 Next slide please. Another feature, and
23 this goes a little bit out of order because this is
24 something you can actually access before you submit
25 your request, but it's also certainly something you

1 can update after you've submitted it as well. You'll
2 actually be able to open up and look data broker by
3 data broker and decide -- and this is the checklist
4 we discussed earlier -- if there are data brokers
5 that you don't want to have receive your deletion
6 requests and essentially allow them to continue
7 processing, collecting, and selling your personal
8 information. But at the bottom is the checkbox that
9 we discussed earlier, Chair Urban. And that is -- it
10 includes future data brokers. And that means that
11 for those wanting to use the system who decide all
12 data brokers should receive my request and I don't
13 really want to have to return and check every time a
14 new data broker is added, they could select that and
15 essentially it -- their request will continue get
16 submitted as those data brokers come into the system.

17 CHAIR URBAN: So that's even simpler than
18 my logic-based approach.

19 MR. LAIRD: Yes.

20 CHAIR URBAN: Which was your intention --
21 must have been, to also include the register -- the
22 brokers who hadn't registered, but they will have
23 said this directly by including all future data
24 brokers.

25 MR. LAIRD: Precisely.

1 CHAIR URBAN: Perfect. Thank you.

2 MR. LAIRD: All right next slide please.

3 And this gives you a little visual then of what it'll
4 look like to see your status. You'll kind of get
5 this very quick readout of how many data brokers are
6 registered in the system and what your status is.

7 There are four status -- well, there's pending, which
8 just means it hasn't been processed yet. And then

9 there's four statuses that a data broker might report
10 back. One is that they deleted your information and

11 that means they found a match, you were the only
12 match and so they deleted all of your associated

13 personal information. Although I'll note, it still

14 indicates -- it does not indicate if they held exempt
15 information. So they may have deleted everything

16 that's not exempt, but there may be certain

17 information -- actually, no. Scratch that. It does

18 indicate that they deleted everything. It's the next

19 status, the exempt status. That would indicate that

20 they they have a match for you, but that all

21 information they have about you is exempted under the
22 law in some capacity. And therefore they are

23 recognizing that you are in their system, but they

24 did not actually delete information with -- in

25 regards to you.

1 Another status they might report is that
2 they've opted you out of sale or sharing. And this
3 is a scenario where the data broker has said
4 essentially, you know, for instance, your phone
5 number. We see your phone number, but we -- it's
6 associated with actually three different consumers,
7 not just you. In that situation, our regulations
8 require that the data broker opt all three consumers
9 out of the sale and sharing of their personal
10 information in lieu of the deletion requirement. And
11 this is because essentially the data broker is saying
12 we could not confirm in our own data that you are the
13 person associated with this. But there's still
14 requirement of the law that they still be opt out of
15 sale and sharing even if they can't be verified.

16 CHAIR URBAN: That prompts a question for
17 me, based on your example, which you may not know the
18 answer to. How then will family phone services be
19 treated or indeed, phone services where individual
20 family members have individual phone numbers, but
21 there's one account.

22 MR. LAIRD: That's a good question. The
23 latter I think is a little trickier. I mean, again,
24 with the phone number at least, if it's a phone
25 number only and there are multiple consumers, it's

1 what I described in terms of they will all be opted
2 out of the sharing, if associated. I guess the only
3 other thing I'd offer is -- just kind of reminder is
4 that as Ms. Allen described earlier, if you've
5 entered other pieces of information though and there
6 is a match for a deletion for instance on your
7 e-mail, that's going to override the opt-out
8 associated with the telephone, if that makes sense.

9 CHAIR URBAN: It does. Yeah. Yeah.

10 MS. ALLEN: But also like the account
11 won't matter. So you could be a family account with
12 13 lines, but you know, if each one of those 13
13 people go in, create a DROP request, verify their
14 phone number, it goes to the number.

15 CHAIR URBAN: It'll go through to the
16 number. Okay. All right. Great. Thank you.
17 Because they always ask for the cell phone number.
18 And I think it's pretty typical to have like a family
19 account with a number lines.

20 MS. ALLEN: Sure.

21 CHAIR URBAN: Yes. Applies to all of
22 us -- applies to many of us. So, you know, personal
23 question to some degree. All right. Thank you.
24 Thanks for both --

25 MS. CARWILE: Briefly, Chair Urban, I

1 just wanted to make you aware that Board Member
2 Mactaggart has left the meeting.

3 CHAIR URBAN: Okay, that's fine. Just as
4 a note, we have three board members, so we still have
5 a quorum, in case we need to take another vote.
6 Thank you.

7 Please go ahead.

8 MR. LAIRD: And then the last status is
9 record not found. And this is simply, based on the
10 information that was provided by the consumer, there
11 was not a match within the data broker's own records.
12 And therefore we would presume at least that they
13 don't collect information on that consumer. But it
14 could also be indicative of just, maybe, different
15 spelling potentially or even more broadly, just not
16 the right type of information was entered, based on
17 what that data broker collects on their end.

18 Let's see, next slide. I think this is
19 going to be time for -- yeah, I think we're ready for
20 the video. And so the video is going to be
21 everything I just talked to you about, minus the
22 status check, but in real-time demonstration. I'll
23 give a little bit of narration over it. But really,
24 this is just again, I know screenshots don't really
25 tell the story. So, seeing what you'll feel like as

1 you're scrolling through this website, I think is
2 really helpful.

3 All right. So, this is actually playing.
4 You scroll down, you see it's essentially a list of
5 the same identification information I showed. We're
6 also demonstrating how there's some information for
7 anybody who you're assisting submit a request for.
8 And those were some instructions you would see. You
9 see, now, the person using the system is putting in
10 multiple names and that they're able to add as well
11 as remove if they wanted to. This is demonstrating
12 you get one date of birth. Again, here are some zip
13 codes and demonstrating that you can easily add
14 additional zip codes.

15 So, this is then you going through the
16 multifactor authentication experience for an e-mail
17 address. And so, the request was submitted to the
18 e-mail address and now the individual is prompted for
19 that verification code. Our screen actor, by the
20 way, is our chief of IT, Art Andrusov, to his credit.
21 And then once again, you can add additional e-mail
22 addresses that you can verify.

23 CHAIR URBAN: Now, do you have to add an
24 e-mail address and a phone number? Or just -- you
25 just have to add what you've got.

1 MR. LAIRD: Whatever you have. Yeah,
2 exactly. It's a very user choice-based system.

3 MS. ALLEN: So, you could do just an
4 e-mail or you could do, you know, just a MAID, with a
5 with a name.

6 MR. LAIRD: And then you'll notice too
7 for phone numbers, you can choose both your country
8 code, as well as you can choose whether to call or
9 text. Because we understand the landline wouldn't
10 have a text option for verification codes.

11 CHAIR URBAN: That was what I was
12 wondering about. So, I'm really happy to hear about
13 that.

14 MR. LAIRD: And then finally, if you're
15 submitting on behalf of somebody else, you check that
16 box. It is required in our regulations that their
17 name and business association -- if they are sort of
18 a company type of authorized agent -- be provided as
19 well. And then you get to see all your information
20 before you hit submit. And once you hit submit, then
21 it's that page we were telling you about,
22 confirmation. And you'll even get an opportunity to
23 rate your experience, because obviously we want to
24 make sure this is -- we are serving consumers and are
25 going to be listening and reactive to what consumer

1 experience is like for the system.

2 CHAIR URBAN: That's just a little hint
3 there.

4 MR. LAIRD: And then finally, you see
5 that final status page. And so right now, you know,
6 if there was only four data brokers in the system,
7 you'd see four. You could click on each status to
8 see the specific list of which data brokers didn't
9 have information on you, versus deleted your
10 information. And this is demonstrating that data
11 broker functionality and how you can actually update
12 your list then at some point to decide you want to
13 either add or subtract a data broker from your
14 deletion request. Here is then the DROP ID that we
15 mentioned. And again it'll be only 8 to 10 digits, I
16 promise. And you'll get the summary view.

17 CHAIR URBAN: And now we're watching
18 reverifying the residency?

19 MR. LAIRD: I think this is actually
20 restarted. I suspect this has restarted now. You
21 could probably --

22 CHAIR URBAN: I just noticed that we at
23 the end it had a little note about reverifying
24 residency. I believe you don't have to do that in
25 order to see the the doughnut.

1 MR. LAIRD: That's exactly right. Yes,
2 great, great term. So to see the doughnut, as I
3 mentioned, you can look at this version that's
4 actually on the screen right now conveniently. And
5 the point here is this is just an aggregate set of
6 information that doesn't tell you anything about the
7 details of what was in that request or which data
8 brokers did which. If you want to get to that extra
9 level of information or update your request, then you
10 could re-enter the full system by verifying your
11 residency. So essentially there's the light status
12 check, and then right at the bottom you'll have the
13 option, if you're curious, to go do a more in-depth
14 status check.

15 CHAIR URBAN: And that will send you back
16 to the interface that shows you each data broker and
17 the status and whether you opted out.

18 Mr. Liebert?

19 MR. LIEBERT: So, we talked earlier about
20 terms of service and privacy policies, and you've got
21 to click accept if you want the service. This
22 strikes me that many consumers may wonder what's
23 going to happen to me if I delete all these data
24 brokers. And there's nothing on this site, of
25 course, that's educating them about, you know, this

1 is what this will potentially do. So I'm just
2 wondering how do we deal with that uncertainty;
3 right? The uncertainty.

4 MR. LAIRD: Great questions. And we've
5 already addressed it. This is to say, one thing that
6 wasn't demonstrated actually before you even verify
7 your residency. You will get a terms of service
8 little popup here that does explain a little bit for
9 the consumer of, you know, what the system is
10 intended for, what will happen with your information
11 when you delete it. So, lots of that information,
12 but we recognize anything named "terms of service,"
13 some people may glaze over or not pay much attention
14 to. So, what I'd also assure you is, this
15 application will live on a web page, on our
16 privacy.ca.gov website that's going to be full of
17 information. And of course, one of the things people
18 might do right away is click the "start my deletion
19 process." But on that page is going to be as much
20 information really as a consumer wants to learn about
21 this topic, including what types of personal
22 information data brokers collect on them, how they
23 collect that information, and then importantly, you
24 know, what -- how deletion works and what it will do
25 with their information.

1 MR. LIEBERT: So, I guess what I'm
2 alluding to is a concern that you might be losing
3 some benefit by saying, "Get rid of all my personal
4 information." Is there any way to address that
5 issue? I don't know that there is, but I'm just
6 wondering what -- because I think consumers will
7 wonder about that.

8 CHAIR URBAN: Did you want to comment,
9 Executive Director.

10 MS. ALLEN: Do you want to -- Tom, do you
11 want to direct.

12 Okay. Okay. Well, so a couple things I
13 think so part of the challenge of all of this is
14 describing what a data broker is; right? And how
15 this is, you know, what we're trying to -- what we're
16 trying to allow them to delete what -- well, what
17 they are allowed to delete under this law is third
18 party -- is like not first party data; right? So
19 this is not the shoes. This is not the Spotify
20 algorithm. This is not your Netflix algorithm. This
21 is, you know, the information and then the inferences
22 from third party data. And that's what we're trying
23 to get to. And so that is -- that's a hard thing to,
24 you know, we have to figure out how to teach you what
25 a data broker is. And then that it's -- that there

1 is a level of safety, because this is not the, you
2 know, the treasured Netflix algorithm or the hard
3 fought, you know, first party data. So, I think what
4 you're talking about is -- that is tricky.

5 We do have privacy.ca.gov/drop, where
6 we're going to put in a lot of information, including
7 the history of privacy and the history of Delete Act
8 and all this stuff. And I think like -- yeah, I
9 think there is -- if you are someone who loves a big
10 stand of targeted advertising and that's, you know, I
11 think there is in reality like some of that will go
12 away or will be less now. I guess that's just
13 something that, you know, that's like what you're --
14 what we would educate on, as well is like, hey, you
15 know, we're not talking about, you know -- I don't
16 know. Like for example, Amazon knows the diapers
17 that I buy my children or whatever, you know. That's
18 not that -- that is not what's getting touched by the
19 Delete Act. This is like -- this is third party
20 data.

21 MR. LIEBERT: Yeah, I don't know if
22 there's a way to deal with it on the website, in
23 terms of education, but I do think that that is one
24 of the major issues that anyone will have in the
25 initial interview.

1 MS. ALLEN: They're scared. They're
2 going to be scared; right?

3 MR. LIEBERT: Right. Yeah. It's like,
4 okay, I know I want to get rid of a lot of this, but
5 I still want Netflix or whatever the deal is. So how
6 you educate on that issue, maybe through examples,
7 you know, it seems to me that cries out for just some
8 examples of things that could happen, but things that
9 would not happen would be a source of reassurance for
10 folks who actually want to take advantage of this
11 system.

12 CHAIR URBAN: I agree and I think there's
13 the possibility that people would also worry about
14 things that are a little bit more fundamental. So,
15 will I not have a history for a rental application
16 check, and and that kind of thing.

17 MS. ALLEN: Right, right. Yeah. Will my
18 identity not be able to be verified, you know. And
19 it's like, no, you know, and of course the exemptions
20 and there's --

21 MR. LIEBERT: Maybe an FAQ type thing or
22 something like that could help address those types of
23 nagging things, you know. Am I still going to get
24 that medical alert or whatever the deal is. Yeah.

25 MS. ALLEN: Yeah. Yeah.

1 MR. LAIRD: We're absolutely panicked.
2 We're absolutely planning an FAQ portion of the page,
3 sort of descriptions on data brokers, on what happens
4 when you get your information deleted, and -- but
5 this is excellent feedback. And of course, anything
6 more we can do to sort of promote those ideas, or
7 ideas that are maybe missing from the website that
8 you think should be communicated, we'll be happy to
9 continue to iterate on.

10 MS. ALLEN: Yeah, I was going to say that
11 what you see now is, you know, one and we are working
12 actually actively right now and have been for weeks
13 on building out a much more rigorous consumer facing
14 section of the DROP. And we will continue to add
15 certainly over the year. Awesome.

16 MR. LAIRD: All right. So, with that, I
17 think we're ready to move back to the presentation,
18 show you just a little bit about the data broker
19 experience. Because obviously for 500 plus
20 businesses out there, this will be a system they they
21 have to use and pay careful attention to. And Liz is
22 going to present this side.

23 MS. ALLEN: Yeah, sure. So, you can go
24 ahead, next slide. Perfect. Okay. So, there are
25 the data broker flow is a little bit more complicated

1 because they have more obligations under the law. So
2 there's about seven steps that they have to go
3 through. First they're creating an account with
4 DROP. And they'll have to complete their
5 registration and complete payment within that
6 account. After they have done those two things,
7 they'll have access to our deletion requests. Do
8 they -- within their data set, do they have e-mails?
9 Do they have phone numbers? Some data brokers don't
10 collect them because of the Do Not Call List, for
11 example. So if they don't have phone numbers and
12 they don't collect them, they won't pull that list.

13 So they choose the list of identifiers.
14 Maybe they want just MAIDS because that's all they
15 have and they don't collect the other stuff. So,
16 they choose their list. They download every 45 days,
17 as required by law. They could do it every day, but
18 they could also do it every 45. They can choose
19 their -- whatever they would like to do in terms of
20 timing for that. Download the list and then they --
21 on the back end, will have to match to see if any of
22 those identifiers provided match with somebody in
23 their in their own system. They of course have to
24 delete those -- the entire record of any information
25 they have that is non-exempt under the law.

1 And then they have to maintain what we
2 call -- what most people call a suppression list,
3 which is essentially a list where, if they're buying
4 new data, they'll check to make sure any anyone who's
5 submitted a deletion request, the data doesn't come
6 back into their system. So they have to maintain
7 that person as deleted, meaning keep them out of the
8 system, even if they're inputting new data sets. And
9 then of course, they -- as we talked about -- they
10 have to report the status so that the consumers can
11 come back and check the status, and see which of
12 those four statuses they they got.

13 So go ahead and we're going to run
14 through this. So go ahead next slide. All right.
15 So, first -- when they first land on the page they --
16 or I'm sorry. In the application -- the web app,
17 they are going to have to create an account. All of
18 this is required -- is, you know, in our regulations
19 and actually is very similar to what we required last
20 year in the registration form. This is -- won't be
21 very new to them. They of course have their public
22 facing contact and then internal contacts for the
23 Agency.

24 Okay, next slide. Once they submit an
25 account -- actually, the internal Agency staff will

1 verify, make sure these are real accounts, real
2 people -- or sorry, real businesses. And we will
3 approve their account. Once the account has been
4 approved, they of course can, in January -- well
5 throughout 2026, but obviously January 1st through
6 31st, they'll need to complete the registration form,
7 if they were brokering data in 2025. You can see
8 it's about 10 steppers. So they review their account
9 information and then they go through all the required
10 disclosures from 361 -- or 362 and 3. And then this
11 year is 361. So, this will be very similar to what
12 they did last year, but just adding the 361
13 requirements.

14 Next slide. Okay, great. So, once
15 they've paid, this year, of course, the fee is
16 \$6,000. We have an external payment vendor, so
17 they'll be routed out for a second to the vendor, pay
18 with credit card, and come back. Once they come
19 back, they will have be considered registered, and
20 that will open up this dashboard. Now the
21 dashboard's actually a bit longer than this. But
22 you'll see it'll kind of show them when they
23 registered. It'll have the receipt, of course,
24 payments.

25 So, imagine five years from now, they can

1 see all their registration payments, you know, how
2 many records they are downloading for -- on their
3 lists. And then you'll see that consumer deletion
4 request -- deletion lists. So, at the very bottom of
5 that box, you see view or change lists. And that's
6 where our six lists will be. And they can choose,
7 you know, just MAID, perhaps, if that's all they
8 have, or, you know, just VIN, if that's what they
9 have. However, if they have MAID's and VIN's and
10 e-mails, they choose all three lists and they can
11 download them.

12 So, once they've chosen their list --
13 let's go to the next slide. They can either choose
14 to download those lists manually. So, that's like,
15 you know, essentially getting various CSV's and
16 downloading the CSV's via our manual download option
17 or they can connect via API. And so an API, of
18 course, is an automated pull and download. So,
19 they'll get an API key. They'll do a little bit of
20 back-end engineering to connect to our API, to
21 integrate with our API, and then they'll be able to
22 pull their lists through the API. So, if they've
23 got, you know, an API key, they then can do -- they
24 can essentially set stuff up and make sure they're
25 pulling down correctly.

1 Okay, next slide. Okay, so then once
2 they've got their lists in house or like you know, in
3 their own system, they -- the lists of course are
4 hashed on our end. We're using the SHA-256 hash and
5 we are not keeping any data in plain text in our
6 database. And so, we will be providing the lists in
7 hashed form. So all the e-mails will be hashed and
8 they will of course have to take those hashes -- take
9 all the e-mails in their system, and hash, and then
10 try to match the hashes. If they come up with a
11 match, that of course is "record found." If they
12 have a hash that doesn't match at all, that would
13 be -- of course, they would return "record not
14 found." And then of course they're deleting the
15 record and then they have to create a suppression
16 list.

17 We don't dictate how folks need to do
18 that. A lot of a lot of bunch of companies already
19 have suppression lists, and they have their own
20 systems. So, the expectation is more that the data
21 that they maintain as deleted in a proper form, and
22 that the consumer doesn't come back into the
23 database, if they have been deleted. And then, of
24 course, they need to report the deletion status
25 within 45 days. So they can they can report sooner

1 if they want, but they must report within 45 days.
2 And they can do that either manually or via the API.

3 Next slide. Okay. So, well, I guess do
4 we have questions on the data broker side of things
5 before we go to timeline for launch?

6 CHAIR URBAN: Mr. Liebert and Ms. Hamer.

7 So, Mr. Liebert, go ahead.

8 MR. LIEBERT: Mine's just quick. It
9 seems like it would be pretty difficult on the
10 enforcement side when they say we only have these
11 identifiers for a list. How do we know if they're
12 telling the truth.

13 MS. ALLEN: Yeah. So, we don't. Like
14 you know, I -- we're not going to know. However,
15 they have a legal obligation. We have -- we do have
16 enforcement with technologists, who will be able to
17 kind of work with the company if there's an
18 investigation. We also have this audit and some of
19 the reasons the audit is really important in 2028.
20 They'll have to have an independent auditor come in
21 to ensure that they are complying with the law. And
22 so you'll see those those regs we'll be working on
23 this year. We're going to do preliminary comment
24 around them, trying to figure out exactly how we can
25 best capture that. How can they demonstrate that to

1 us? Especially folks who are doing a great job.
2 Like, you know, show off, please. You know, tell us
3 that you're doing it. And so, those are the -- those
4 are the levers that we have at this point. Great.

5 And then of course, consumers can file
6 complaints. So, if they're like, hey, you know,
7 we've got -- like, I know I put in a deletion
8 request. I know. I went back in. This company's on
9 the list, and I'm still seeing my data here on their
10 website, because I went to the registry and I know
11 all their, you know, the websites. They can file a
12 complaint with the Agency.

13 MR. LIEBERT: So, the auditing process
14 could really help there, too.

15 MS. ALLEN: Yeah. Yeah.

16 MR. LIEBERT: Okay.

17 MS. ALLEN: Yeah. So, hopefully
18 consumers, and in auditing and, you know, we talked
19 about a whistleblower bill. You know, there's other
20 things, as well.

21 CHAIR URBAN: Wonderful. Thank you.
22 Yeah.

23 Ms. Hamer?

24 MS. HAMER: That was actually one of my
25 questions. And then the other one is just confirming

1 I've got the math right, that the earliest people are
2 going to see the results of this will be basically a
3 year from now.

4 MR. LAIRD: Yeah, that's a great point.
5 I mean, I think our hope is actually to allow data
6 brokers to voluntarily start processing these
7 requests earlier than August 1st. Because as you can
8 imagine, having all 500 start entering the system and
9 doing everything at the same time may not be a great
10 recipe for success. So, in some regard you may see
11 it much sooner on some -- to some extent. But for
12 those that are registered as of August 1st. We've
13 done the math that it could be as late as late
14 October before they've gone through the cycle of
15 pulling the data when they had to and reporting back
16 the status of what they did, before you see all 500
17 plus data brokers give you one of those statuses.

18 MS. HAMER: So, it's it's about 90 days
19 from August 1.

20 MR. LAIRD: That's exactly right.

21 MS. HAMER: Because we know data workers
22 are going to want to delete everything early.

23 MS. ALLEN: Yeah. So, yeah. So, we'll
24 be opening a -- like, a sandbox in the spring, where
25 folks can, you know, start working on connecting and,

1 you know -- and some folks have said they will start
2 doing -- you know, taking action early. But truly,
3 October. Yeah.

4 CHAIR URBAN: So before we get into the
5 timeline, I have a very technical and legally
6 complicated comment, which is this is pretty darn
7 slick. And I'm really proud of the team. The
8 historic team with executive director Soltani, the
9 current team led by Executive Director Kemp,
10 everybody who's helping us out at the Department of
11 Technology, as -- and you know, all of our folks who
12 who aren't here today. This is just really well
13 thought out. And obviously we've been kicking the
14 tires quite a bit, which is appropriate. But it's
15 pretty darn slick.

16 MS. HAMER: I have to echo that. Because
17 every time I tell somebody that we're doing this,
18 they get so excited and they want to do it right
19 away. And I'm like, that's why I asked the timing
20 question. So, I've got that right.

21 MR. LIEBERT: And I'll just do a special
22 shout out to Mr. Kemp, who worked amazing work in the
23 California legislature that's under underscoring all
24 of this now. And it's just it's really exciting.

25 CHAIR URBAN: Can I take a a slight

1 detour which I think is in line with the agenda item,
2 Mr. Laird?

3 MR. LAIRD: Sure.

4 CHAIR URBAN: I know there has been some
5 appetite at least from other states to maybe
6 piggyback off of this. I was -- this occurred to me,
7 in part, because of the legislation side of it, when
8 Mr. Liebert mentioned Mr. Kemp's efforts there. But
9 also of course, the system itself -- and I don't
10 expect you to have an update today -- but I would
11 love to hear about that at some point.

12 MR. LAIRD: Yeah. I think right now I'll
13 say, we've certainly heard interest from other states
14 and other legislators in other states in this. There
15 is not currently another law that implements a
16 similar system yet, but at the same time we are happy
17 to share our insights and are exploring sort of all
18 options in terms of how other states -- if they want
19 to leverage our system or copy our system -- we want
20 to be supportive however we can.

21 MR. LIEBERT: And could we rent this out
22 for a very large fee?

23 MR. LAIRD: It's not out of the question.
24 Or at least a reasonable fee.

25 CHAIR URBAN: We can all go to the Global

1 Privacy Assembly.

2 MR. LAIRD: She's joking.

3 CHAIR URBAN: I won't drag everybody to
4 the Global Privacy Assembly. Yes, I'm joking.

5 MS. ALLEN: Yeah. I also just wanted to
6 say, we've also been working with UX designers on
7 this. So, some of the slickness that you see is also
8 a very talented UX team over in CDT. So, just want
9 to give them an official shout out for making it as
10 beautiful and seamless as it is.

11 CHAIR URBAN: Excellent. Thank you.

12 MR. LAIRD: I think for our last few
13 slides -- yeah, again, I think we've been over the
14 timeline enough now. You probably get it. Do you
15 have it yet? No. With that said though, this is
16 just about 2026; right? So, again, so everybody's
17 clear, January 1, you'll be able to log in and create
18 an account and make your first submission for
19 consumers. At the same time data brokers need to
20 come into this system to register. This is very
21 important. Registration looks a little different
22 this year because you'll create an account. It won't
23 be the Microsoft web form that we've used the past
24 two years. So the the process looks a little
25 different. But the same information, plus the SB 361

1 requirements, will be included. And then as was
2 mentioned, we'll be allowing data brokers to come in
3 and start testing with the system in the spring and
4 then allow processing of actual deletion requests a
5 little after that. But officially that obligation
6 begins August 1st.

7 MR. LIEBERT: So, if I may, it begs the
8 question on the advertising front. I can't believe
9 January 1st is so close and you're saying consumers
10 can start submitting deletion requests. So, we need
11 to be getting the word out pretty quickly. So, at
12 some point, you're going to tell us the ways in which
13 we're going to educate consumers about that.

14 MR. LAIRD: Yeah, I mean, I think Ms.
15 White cover has covered that in past presentations, a
16 little bit. And again, as alluded to, we are
17 balancing though that fact of, we're excited. We
18 want to get every consumer through the door. But
19 we're trying to really acknowledge a consumer who's
20 not hyper-focused on this and comes into this in
21 January, and then doesn't potentially see anything
22 happen with their request for months might be a
23 frustrating experience. And so we don't want to sour
24 anybody to this system as that result either. So
25 we're balancing those interests. And I think as Ms.

1 White mentioned, I think you'll see promotion ramp up
2 as we come closer to August 1st.

3 MR. LIEBERT: Got it.

4 MR. LAIRD: So, that people will come
5 into the system, we'll have worked out the kinks, and
6 we'll have a very seamless experience come the fall.

7 MR. LIEBERT: But they will see it on the
8 on our website.

9 MR. LAIRD: Absolutely. Yeah, exactly.
10 We won't be hiding the fact that it's out there. It
11 just may be more broadly promoted later in the year.

12 MR. LIEBERT: Got it.

13 CHAIR URBAN: Thank you so much.

14 Are there public comments on this item?

15 MS. CARWILE: All right. This is for
16 Agenda Item Number 5, the DROP update and
17 presentation. If you'd like to make a comment at
18 this time, please raise your hand using the raised
19 hand feature or by pressing "star-9" if you're
20 joining us by phone. This is for Agenda Item Number
21 5.

22 Jacob Brent, I'm going to unmute you at
23 this time. You will have three minutes. Go ahead
24 and start when you're ready.

25 MR. BRENT: Good afternoon everybody.

1 I'll keep it quick because my issue was partially
2 addressed during the conversation. So I represent
3 the California Retailers Association. And I'm
4 reaching out on behalf of some of our members with
5 concerns regarding the current presentation of
6 information on the DROP web page.

7 So there's currently a FAQ styled
8 section. And on it there's an area titled "Why
9 Submit a Drop Request." And we feel that this
10 specific area emphasizes consumer control, but
11 doesn't acknowledge that deletion of certain data
12 could impact access to personalized services and
13 customer experiences. So I know this was already
14 discussed a little bit, but we just wanted to
15 emphasize that we really feel like the effects from
16 the deletion of data should also be at the forefront.
17 So we want to respectfully request that this section
18 be revised to reflect a more neutral tone, and
19 include context about how data supports service
20 delivery. So that is all. Thank you very much.

21 MS. CARWILE: Thank you for your
22 comments. Again, for Agenda No. 5, we're taking
23 public comment. If you'd like to make a comment at
24 this time, please raise your hand using the raised
25 hand feature or by pressing "star-9."

1 Madame Chair, I'm not seeing any -- oh,
2 we have another commenter.

3 David, go ahead and speak. You'll have
4 three minutes. Begin when you're ready.

5 MR. DAVID: Thank you. I appreciate it.
6 I wanted to ask about authorized agents. If I pay
7 for a company to be removing my data, I saw that
8 there was a form to fill that out where you can add
9 the company or the ID. But for the end consumer, how
10 does that work?

11 And you also mentioned the API
12 configuration between the data broker and the drop
13 system. Is that something that's also going to be
14 available to companies that use authorized agents to
15 process these requests? And in addition to that for
16 the residency verification, is there something that
17 an authorized agent would need to provide to prove
18 that that person lives there or that they're
19 authorized to make that request on their behalf?
20 Thank you.

21 MS. CARWILE: Thank you for your comment.
22 Again, we're taking public comment for Agenda Item
23 No. 5. Please raise your hand using the raised hand
24 feature or by pressing "star-9," if you're joining us
25 by phone.

1 Okay, Madame Chair, I'm not seeing any
2 additional hands raised at this time.

3 CHAIR URBAN: Thank you.

4 Mr. Laird, would you like to address the
5 questions?

6 MR. LAIRD: Yeah, I'd be happy to
7 questions. So, the law does require that the system
8 allow for an authorized agent to assist with the
9 deletion request, but at the same time, we're
10 balancing sort of verification and consumer assurance
11 aspects of this. So, one component of our
12 regulations actually required that the consumer
13 with -- for whom the request is being made is the
14 consumer who is verified at the time of entering the
15 system. So that's an important component.

16 Now an authorized agent is allowed to
17 assist with everything following that process. But
18 the expectation is that the consumer would still
19 verify themselves and verify their residency before
20 they receive that assistance. So at this point in
21 time, there's not necessarily an API option for an
22 author -- you know, sort of a enterprise-wide
23 authorized agent who's maybe representing multiple
24 consumers to directly enter the system. It's
25 something we thought a lot about and would like to

1 continue to explore in future iterations. But again,
2 at this time, there wasn't quite the ability to
3 achieve sort of that option in this current
4 framework.

5 CHAIR URBAN: Thank you very much. And
6 thank you for the comments and the questions. With
7 that I think I will sum up the sentiment that has
8 been presented today, which is that we are incredibly
9 excited to see this come to fruition, and are really
10 delighted by and proud of the -- both, creative,
11 technically careful, and privacy careful work of the
12 team in putting this together. So, kudos and we'll
13 look forward to updates, when you have them.

14 CHAIR URBAN: With that, we'll turn to
15 Agenda Item No. 6, which will also be presented by
16 Mr. Laird and Ms. Allen. And it's an update and
17 possible action on proposed amendments to regulations
18 7601 to 7604, and adoption of regulation sections
19 7610 to 7622, implementing the DROP requirements,
20 including possible adoption or modification of text.

21 So, these are the regulations we've
22 discussed in board meetings several times, that are
23 the required regulations sort of underpinning some of
24 the design decisions and the way that consumers and
25 data brokers will be able to interact with the system

1 that are required, as well as the technical
2 development. And I will hand it over to the team.

3 MR. LAIRD: Thank you chair Urban.
4 Admittedly this was another instance where the timing
5 with office of Administrative Law review was such
6 that we didn't know at the time of when we were
7 required to post this agenda 10 days ago, whether or
8 not the package would be approved, or if there might
9 be issues we need to resolve. And so, we put this on
10 the agenda to sort of allow us the ability to further
11 discuss, if there were issues identified by the
12 Office of Administrative Law. And I am delighted to
13 share that there were not issues identified by the
14 Office of Administrative of Law. And in fact
15 yesterday, this package was approved and filed with
16 the Secretary of State. So that means the
17 regulations that you all approved and adopted at your
18 last meeting on this topic will now officially take
19 effect January 1st, 2026, right on time for DROP's
20 deployment.

21 CHAIR URBAN: Wonderful. That is
22 terrific news. Thank you. And thank you again for
23 the incredibly competent rule writing and shepherding
24 on -- by the legal division. And Ms. Allen, I'm glad
25 the Office of Administrative Law seems happy with us.

1 That's important.

2 MR. LAIRD: We're three for three.

3 CHAIR URBAN: Three for three. Okay,
4 let's not jinx it. Let's not jinx it. But yes,
5 that's terrific. That's absolutely terrific news. I
6 think, with your permission, Mr. Laird, I will treat
7 this as an announcement, and move on to Agenda Item
8 No. 7.

9 MR. LAIRD: Yes, that would be wonderful.

10 CHAIR URBAN: Thank you. Congratulations
11 and thank you both.

12 MR. LAIRD: I will say out of abundance
13 of caution, we should probably offer public comment
14 though. Just --

15 CHAIR URBAN: Oh, okay. Is there public
16 comments on this item?

17 MS. CARWILE: Okay. This is for item
18 number six, "Update and Possible Action on Proposed
19 Amendments to Regulation Sections 7601, 7604, and
20 Adoption of Regulation Sections 7610 Through 7622
21 Implementing the Drop Requirements Including Possible
22 Adoption Or Modification of Text." All right.
23 Please raise your hand using the raise hand feature,
24 if you're joining us by Zoom. Or press "star-9" if
25 you would like to make a comment and are joining us

1 by phone.

2 Madame chair, I'm not seeing any hands
3 raised at this time.

4 CHAIR URBAN: Thank you very much.

5 And now let's move to Agenda Item No. 7.
6 Agenda Item No. 7 is a discussion of the 2026 board
7 meeting calendar. It will be presented by our deputy
8 director of public and external affairs, Ms. Megan
9 White, whom we've already put on the spot a couple of
10 times today, and she handled gracefully, as always.
11 Just to give a little bit of background on this item,
12 We do have a standardized quarterly meeting agenda
13 with standardized items that are on this calendar in
14 a regularized fashion. Sometimes we move them
15 around. But we do need to give some attention to
16 when we will schedule those meetings. And Ms. White
17 is going to guide us through that.

18 MS. WHITE: Yeah. Wonderful. Thank you
19 so much, Chair Urban. It is my pleasure to present
20 the proposed board meeting calendar for the 2026
21 year. So my presentation is going to include
22 proposed dates, locations, and topics.

23 Next slide, please. So what I'm
24 presenting now is staff's proposal and our proposal
25 follows what's outlined in the board member handbook

1 This includes quarterly meetings which would be held
2 the first Friday of the month. These meetings would
3 be hosted in Sacramento, San Francisco, and Southern
4 California. We plan to host the Southern California
5 meeting at the California Air Resources Board in
6 Riverside. Meetings will continue to be hybrid. In
7 addition, we could add on Thursday meetings the day
8 before a board meeting, and these meetings would be
9 focused on general education sessions. Thursdays
10 could be a half day. And a noted change from 2025,
11 we are no longer recommending monthly holds for the
12 Board.

13 Next slide, please. Doing a little
14 deeper dive into these Thursday meetings. This is
15 based on the board's expressed interest in
16 educational sessions. Just to talk about the process
17 a little bit, the Board will determine the
18 educational session topics. The board will propose
19 those topics and if you have a speaker that you'd
20 like to recommend for those topics, we'd certainly
21 love to hear it. However, staff can help identify
22 speakers. And of course, we will handle booking the
23 speakers. Not every board meeting needs to have a
24 Thursday session. It will be completely at the
25 board's discretion. We propose starting these

1 educational sessions the second meeting of 2026.
2 This allows the Board time to think about the topics
3 they would like to hear and suggest them at the first
4 board meeting of 2026. Although of course I'm happy
5 to hear any ideas that you have now. That's just a
6 thought. And also just a caution that staff is going
7 to need some time to identify the speakers and book
8 them. So again, that's another reason why we
9 recommend perhaps not doing this the first meeting of
10 2026, but certainly thereafter.

11 Next slide, please. So, now on to
12 proposed dates and locations for 2026. We're
13 proposing two meetings in Sacramento, one meeting in
14 San Francisco here at CPU, and one meeting down at
15 Riverside, at the California Air Resources Board
16 Auditorium. Based on the dates outlined in the Board
17 handbook and room availability in Sacramento, San
18 Francisco, and LA, we are proposing the first board
19 meeting of the year to be held on Friday, February
20 6th. That meeting would be held in Sacramento. The
21 next board meeting of the year would be held on
22 Friday, May 1st, although the educational session
23 would be on Thursday, April 30th. That would also be
24 recommended to be hosted in Sacramento.

25 Moving on to the summer months, we would

1 have the Friday, August 7th board meeting held in San
2 Francisco. Again, the educational session would be
3 Thursday, August 6th. And then the final board
4 meeting of the year would be held Friday, November
5 6th. We were recommending that be held in Riverside
6 and the educational session would be held on
7 Thursday, November 5th. Now, some of these states do
8 have multiple location options. So, what I've
9 recommended up here -- what staff's recommending up
10 here are just options, but we do have some
11 flexibility with these dates in terms of shifting the
12 locations.

13 CHAIR URBAN: Wonderful. Ms. White, can
14 we maybe talk about the dates and then talk about the
15 topics?

16 MS. WHITE: Oh, yeah.

17 CHAIR URBAN: Just because we have them
18 in front of us.

19 MS. WHITE: Yeah, certainly.

20 CHAIR URBAN: So, the dates are fine. I
21 will say, I understand the Super Bowl is going to be
22 in San Francisco on February 6th. So that makes a
23 lot of sense.

24 MS. WHITE: It does.

25 CHAIR URBAN: I may have to join remotely

1 that day. There will be a lot of traffic between
2 Sacramento and Sacramento. And that is also within
3 the 14 to 16 weeks. It's about 14 weeks, during
4 which I have a very heavy teaching schedule and not a
5 lot of options for travel. So that's just a heads up
6 that for my part, that may be important that the --
7 sorry, the remote option may be important.

8 Secondly, for the August 6th and 7th and
9 the November 5th and November 6th meetings. First of
10 all, I'm really excited that you've been able to find
11 a location in Southern California. I know that's
12 been a challenge and I think it's really important.
13 I would ask that we swap the locations of those
14 meetings, and it's for the same reason. It's very,
15 very difficult. I don't know that -- I don't know
16 that I could get to Southern California in November,
17 but I absolutely could do it in August. And so, I
18 would I would make that request.

19 CHAIR URBAN: Other comments on the
20 dates?

21 MR. LIEBERT: No, they'll work.

22 CHAIR URBAN: Okay. Thank you, Mr.
23 Liebert.

24 MR. LIEBERT: I just wanted to mention,
25 the Sacramento locations I think were well thought

1 out, as well, because the February, April dates, of
2 course, are when the session's going on. And I've
3 heard from lots of people that it'd be great for
4 board members to have a chance to -- I know you
5 already do that -- but to meet with folks up there,
6 that'll be great.

7 MS. WHITE: Wonderful. Yes. And just,
8 Chair Urban, to let you know that switching of those
9 locations will not be an issue. I've made a note
10 there are some times where certain locations were not
11 available. That's not the instance here. So, that
12 would be quite all right.

13 CHAIR URBAN: Thank you. Great.

14 MS. WHITE: And then just for, you know,
15 the Board's information, we did check all these dates
16 against major US and California holidays, as well as
17 religious holidays. And then, I know Chair Urban
18 also pointed this out already, but we checked them
19 again against major events in California, including
20 the World Cup and the Super Bowl, hence why we are
21 not recommending doing one here in San Francisco the
22 weekend of the Super Bowl. Determining 2026 meetings
23 now definitely allows us to secure the reservations
24 in advance, which was very important. Because we are
25 at the -- you know, we were asking other state

1 agencies to allow us to rent their space, which
2 they've kindly allowed us to do. So we appreciate
3 you all allowing us to book these so early, and it
4 also helps staff plan their work for the year ahead.

5 Next slide please. So now we're moving
6 on to proposed calendarized topics. And the
7 following slides are going to outline the agenda
8 items for each meeting. So, for each meeting, I am
9 only noting the item for Friday, since those Thursday
10 meetings will be at the Board's discretion.

11 Another important note. Some of these
12 items may shift as the -- at the Board's direction or
13 the Agency's need.

14 Next slide, please. So, looking at
15 February 2026, reminder, we are not suggesting a
16 Thursday meeting for this one. We plan to hold it in
17 Sacramento. And it would be held Friday, February
18 6th. Standing items would be including two
19 administrative topics. It's the executive director's
20 annual review and also the admin annual
21 administrative update.

22 Next slide, please. Moving on to May
23 2026. Again, this would be May 1st. This could be
24 our first meeting to include an informational
25 session, which would be hosted on Thursday, April

1 30th. The board meeting would take place on May 1st.
2 And as mentioned, this would be in Sacramento.
3 Standing topics include from our legislative
4 division. The board hears and takes positions on
5 pending legislation. Our enforcement team will
6 provide their annual enforcement update and public
7 affairs will provide our annual public affairs
8 update.

9 CHAIR URBAN: And we'll hear about the
10 DROP.

11 MS. WHITE: And we'll hear a lot about
12 DROP. I'm very excited for that one.

13 Next slide, please. Moving on to August.
14 Once again, this could have an informational session
15 on Thursday, August 6th. The board meeting would be
16 on Friday, August 7th. This meeting would be in San
17 Francisco, although we could certainly move it to
18 Riverside. Standing topics included an
19 administrative item, budget planning for the upcoming
20 year, and another administrative item, annual hiring
21 update, including diversity and inclusion metrics.

22 Next slide, please. And then the final
23 meeting for 2026 would be held in November. The
24 informational session could be November 5th. Board
25 meeting on Friday, November 6th. This meeting would

1 be held probably in -- I guess we would move that to
2 San Francisco. Correct. Yes. Yes. Yes. So not
3 Riverside. Standing topics would include from our
4 legislative team annual legislative proposal and
5 priorities. They would also, much like today,
6 provide an update on annual in your government
7 affairs and priorities. Our public affairs team will
8 provide the 2027 board calendar. And then our legal
9 team will also provide regulation proposals and
10 priorities.

11 And that concludes my presentation.
12 Happy to answer any questions that you have.

13 CHAIR URBAN: Wonderful. Thank you.

14 Questions or comments from the Board? It
15 breaks my head to think about the 2027 calendar, but
16 I very much appreciate the the planning ahead. Is
17 there public comment on this item?

18 MS. CARWILE: All right. If you'd like to
19 make a public comment on our Agenda Item 7, "2026
20 Board Meeting Calendar," please raise your hand using
21 the raised hand feature or by pressing "star-9" if
22 you're joining us by phone. This is for Agenda Item
23 No. 7.

24 Madame Chair, I'm not seeing any hands
25 raised at this time.

1 CHAIR URBAN: Thank you very much.

2 Thanks again to Ms. White's team and everybody who
3 had input into the calendar. I know there were more
4 than than just yourself. So it's much appreciated.

5 With that, we'll move to Agenda Item No.
6 8, which is the item I mentioned at the top of the
7 meeting for public comment on items not on the
8 agenda. During this item, members of the public may
9 com may raise comments on topics that are not on the
10 agenda for today. The board cannot -- and as a
11 reminder, the Board cannot discuss or act on any
12 matter raised during this public comment section,
13 other than to decide whether to place the matter on
14 the agenda of a future meeting. And I will give a
15 heads up that we have an item for that, following
16 this one. So, we will probably -- would take that up
17 at that time. We are listening. We cannot respond,
18 but that is to ensure that both the commenters and
19 the Board's objectives are met, not because we're not
20 paying attention. We absolutely are. So Ms.
21 Carwile, are there any comments on this item.

22 MS. CARWILE: Okay. This is on Agenda
23 Item No. 8. Public comment on items not on the
24 agenda. If you're here in person, you can make a
25 comment at the podium. Okay. Okay. Or if you're

1 joining us by phone -- use the raised hand feature,
2 If you're joining us by Zoom. I apologize. Or by
3 phone, "star-nine." And this is again on public
4 comments on items not on our agenda.

5 And I do have a public comment from a
6 member of the public, who wish to remain anonymous
7 and ask that I read this.

8 CHAIR URBAN: Certainly. Absolutely.

9 MS. CARWILE: Perfect. Okay. It starts,
10 "I am a California resident and have been trying to
11 exercise my privacy rights, and have run into all
12 kinds of evasions. Here's my list of concerns.
13 Concerned about having medical data created about me
14 without my knowledge over objection, clothing,
15 retail, accessibility, intelligence, psychological
16 trends, and aptitude. Medical data cannot be
17 deleted, I understand. As AI gets better, I can
18 foresee a time in the future when it is considered a
19 valid medical option. New York Times article on
20 November 6, 2025 discusses federal government mulling
21 designation therapy chatbots as a medical device
22 subject to regulation. Need to be able to buy food.
23 Don't want to be subjected to facial recognition
24 retinal scanning to buy food. Grocery store says it
25 collects both accessing and assessing psychological

1 trends. Don't want to have the food I buy tracked or
2 ailments deduced by scanning my body. Concerned
3 about delete exceptions, security, legal exceptions
4 very broad. Can a company retain your information
5 because it failed to comply with the privacy law to
6 provide your data? So now you are at legal risk, so
7 it can keep your data. Concern about exemptions to
8 right to know. Not required to provide biometric
9 data. What they are not required to disclose is at
10 risk of not requiring to provide information they
11 cannot determine as you appears to be abusive by
12 companies. Idea requirement for interactive process
13 inadequate sanctions for bad behavior lack of private
14 right to sue independent of our hardworking enforcers
15 to have time to pursue. Thank you very much for the
16 incredible work that the Agency has done to date,
17 California resident."

18 Thank you, Greg. I'm going to unmute you
19 at this time. You'll have three minutes. Go ahead
20 and begin when you're ready.

21 MR. GREG: I'm just checking that this
22 may be the better place to suggest that the privacy
23 aspects of of the new digital credentials that are
24 being worked on and standardized and starting to be
25 deployed should be taken up as an agenda item here,

1 partially because California is now taking the lead
2 on privacy. We used to have representatives coming
3 to some of the standards bodies from the federal
4 government in places like NIST. No longer, which you
5 might understand. So those of us working on these
6 standards miss the support for privacy that we were
7 getting, that we were previously got from places like
8 NSF, DARPA, NIST etc., from those privacy advocates
9 that used to be with the federal government. So
10 that's the angle coming from -- and California has
11 started to lead the way with the new digital driver's
12 licenses. And as we go to the next stage of
13 credentials, we want to have privacy enhancing.
14 That's an area I work on very technically with the
15 cryptography and that's the item I'd like to bring
16 up. And people can contact me or people at the W3C
17 For more information and a briefing in the future.
18 Thank you.

19 MS. CARWILE: Thank you for your comment.

20 Again, this is on Agenda Item No. 8.
21 We're taking public comment on items not on the
22 agenda.

23 Madame chair, I'm not seeing any further
24 hands raised at this time.

25 CHAIR URBAN: Thank you, Ms. Carwile.

1 And thank you very much to the two commenters for
2 sharing their thoughts under this agenda item.

3 We now move to Agenda Item No. 9, future
4 agenda items, which is the item for discussion of
5 potential future agenda items. I'm pleased to handle
6 this item. I do have a running list. I went through
7 last time. I wasn't planning to go through it um in
8 great detail this time. I will mention that some
9 things have come up today. For example, GDPR
10 adequacy as an issue. Some of the topics for
11 rulemaking we have discussed we've been discussing
12 informational sessions for the Board as well. I did
13 want to highlight, again, Ms. Hamer's request from
14 last time for legal briefing on the fourth party
15 issue that was brought up by a public comment during
16 that session. And I have presented demo and DROP
17 which has happened and thank you again for that.

18 Are there additional agenda items from
19 the Board you would like to bring up?

20 Mr. Liebert?

21 CHAIR URBAN: No.

22 CHAIR URBAN: Ms. Hamer? No.

23 CHAIR URBAN: Wonderful. Are there any
24 public comments um on this item, Ms. Carwile?

25 MS. CARWILE: All right. This is for

1 agenda item -- future agenda items. If you'd like to
2 make a comment at this time, please raise your hand
3 using the raised hand feature on your Zoom or
4 pressing star-9, if you're joining us by phone. This
5 is for item number nine, future agenda items.

6 Madame chair, I'm not seeing any hands
7 raised at this time.

8 CHAIR URBAN: Thank you very much, Ms.
9 Carile.

10 With that, we have already taken up
11 Agenda Item Number 10 earlier in the day, which
12 leaves our final, Agenda Item No. 11, adjournment.
13 I'd like to thank everyone, the board members, staff,
14 and the members of the public for their many
15 contributions to the Board's work and to the meeting
16 today.

17 May I have a motion to adjourn the
18 meeting?

19 MS. HAMER: Yes.

20 MR. LIEBERT: You can. I so move.

21 CHAIR URBAN: I have a motion and a
22 second. And you both were on deck, because we're the
23 merry band left. So, I have a motion to adjourn the
24 meeting and a second from Mr. Liebert and a second
25 from Ms. Hamer.

1 Ms. Carwile, will you please conduct the
2 vote?

3 MS. CARWILE: Yes. The motion is to
4 adjourn.

5 Board member Hamer?

6 MS. HAMER: Aye.

7 MS. CARWILE: Board Member Liebert,.

8 MR. LIEBERT: Aye, with great thanks to
9 the staff. Another great presentation today. Really
10 appreciate it.

11 MS. CARWILE: Chair Urban?

12 CHAIR URBAN: Aye.

13 MS. CARWILE: Madame Chair, you have
14 three yeses to adjourn.

15 CHAIR URBAN: Thank you very much. The
16 motion has been approved by a vote of three to zero.
17 And this meeting of the California Privacy Protection
18 Agency board stands adjourned.

19 (End of recorded audio.)
20
21
22
23
24
25