



Consumer Federation of America

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Comments to the California Privacy Protection Agency

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Consumer Federation of America

On Consumers' Experiences with CCPA Rights

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Thank you for allowing me to speak yesterday in the pre-rulemaking stakeholder session on consumers' experiences with CCPA rights. These are my remarks, with links to the documents I referenced.

Last year Consumer Federation of America partnered with California-based Consumer Action on a project funded by the Rose Foundation to educate Californians about their privacy rights and encourage them to exercise them. As part of this project, In October 2021 we commissioned an online survey in English and Spanish to gauge Californians' awareness of and experience with certain key rights under the CCPA: to see their data, to delete their data, and to ask companies not to sell their data. Fifteen hundred and seven adults participated in the survey.¹

Sixty-nine percent of those surveyed said they had seen the notice of their rights required by the CCPA on companies' websites they visited in the previous 12 months. And many had exercised at least some of these rights, but of those who didn't, the top reason was that they didn't realize they could.

For instance, 46 percent of those surveyed had asked at least one business whose website they visited to show them the specific pieces of personal information it collected about them, but of those who never asked, nearly half, 48 percent, gave not knowing they could as the reason why.

Similarly, 47 percent asked at least one business whose website they visited to delete their data, but of those who never made such a request, 51 percent said they had not done so because they didn't realize they could.

Far more Californians, 63 percent, had asked businesses whose websites they visited not to sell their data. This may be due to the prominent "Do Not Sell My Personal Information" option that covered businesses must display on their homepages. Of those who did not make this request, 42 percent gave not knowing they could as the reason why they didn't.

¹ See Executive Summary and Full Survey Reports and related charts at <https://consumerfed.org/reports/survey-shows-too-many-californians-are-still-unaware-of-privacy-rights/>

Generally, more younger Californians and those who identified as Black or Hispanic said they didn't exercise these CCPA rights because they didn't know they could than those who were older or White. More survey respondents at the lower end of the income and educational scales also gave that reason for not making these requests.

There were other answers from which survey respondents could choose to explain why they didn't exercise these rights. One was "I tried but it was too complicated," another was "I didn't think it was necessary. Or they could choose "none of these" reasons.

Only about 10 percent of survey respondents who didn't exercise these CCPA rights chose "I tried but it was too complicated."

Of those who chose "I didn't think it was necessary," fewer were Black or Hispanic than White. For instance, only 24 percent of Hispanics and 30 percent of Blacks gave that reason for why they never asked a company whose website they visited not to sell their data, compared to 45 percent of Whites.

We were surprised by the number of survey respondents who chose "none of these" reasons for why they didn't exercise these rights:

- 11 percent of those who never asked a company to show them their data;
- 13 percent of those who never asked a company to delete their data; and
- 16 percent of those who never asked a company not to sell their data.

What was the reason they didn't assert these rights? Unfortunately, we don't know.

We also asked how satisfied those who made these requests were with the businesses' responses. Of those who asked to see or delete their data, 73 percent were very or somewhat satisfied. 71 percent were very or somewhat satisfied with businesses' responses to their requests not to sell their data. This means, however, that more than a quarter were not too satisfied or not satisfied at all with the businesses' responses to their requests.

We know from Consumer Reports' research that it can sometimes be difficult to make these requests. It's also possible that some Californians aren't sure exactly what to expect when they do.

Finally, we asked if Californians thought that businesses should be required to get their permission to collect, use or share their personal information for any purpose other than to provide the product or service they requested. Nine out of ten said yes.

What are the main takeaways for the California Privacy Protection Agency from these survey results? First, more research is needed to understand why some Californians aren't exercising their rights and why they're not satisfied with businesses responses when they do.

But even from the results of our brief survey, it's clear that making Californians' actionable rights prominent and easy to exercise is helpful to them. For instance, the "Do Not Sell My Personal Information" option should always be required to be displayed on companies' homepages if they sell such data, and when the CPRA takes effect, the option for not sharing such data should be just as conspicuous and easy for individuals to exercise.

The rules to implement the CPRA should be designed to ensure that it's as easy as possible for Californians to be aware of *all* the options they have and to act on them.

The survey also shows the need for concerted educational outreach efforts, especially to young people and minority communities. It's also clear that, to the extent possible, Californians favor strict data minimization.

Consumer Federation of America and Consumer Action have created a guide for Californians about their rights, which will be updated when the CPRA takes effect. It's currently available in English, Spanish and Chinese. All the project materials, including the guide, survey results, charts and press releases are collected in the California Privacy Initiative hub on Consumer Action's website.² We invite the California Privacy Protection Agency and other stakeholders to use them. Next week we will hold a webinar for community-based organizations and others who can help educate Californians about their privacy rights and how to exercise them.

² <https://www.consumer-action.org/modules/module-ccpa-privacy>