



## **DATA BROKER REGISTRATION: TRADE NAMES, WEBSITES, AND PARENTS/SUBSIDIARIES**

### **SUMMARY**

- Data brokers must register in a timely manner. Registration is not complete until all registration information and payment have been received.
- Each data broker must register, including subsidiaries of parent companies. Data brokers cannot rely on a parent or affiliated entity's registration to "cover" them.
- Data brokers must list all websites and trade names, or DBAs, as part of their DROP account and verify their accuracy as part of registration.

### **ENFORCEMENT OBSERVATIONS**

Data brokers operate in a billion-dollar industry collecting and selling consumers' personal information. Consumers do not necessarily know who these data brokers are. CalPrivacy's Data Broker Registry fills this gap by giving consumers visibility into the industry. Knowing who is brokering their information empowers consumers to exercise their rights under the Delete Act and the California Consumer Privacy Act (CCPA).

The Enforcement Division has observed that certain data brokers "hide the ball" from consumers by (1) doing business under multiple trade names, or DBAs, or operating multiple websites without listing those trade names and websites on their registration, or (2) pointing to a parent or affiliated entity's registration instead of registering on their own. Data brokers must register in accordance with the law, without hiding their activity or interfering with consumers' ability to exercise their privacy rights.

### **DATA BROKER REGISTRATION AND THE DROP SYSTEM**

The Delete Act requires businesses that operated as data brokers in the prior year to register with the Agency by January 31 each year by paying a registration fee and disclosing certain information. See Cal. Civ. Code § 1798.99.82 and 11 CCR § 7603. Starting in January 2026, data brokers must also establish a Delete Request and Opt-out Platform ("DROP") account for purposes of CalPrivacy's accessible deletion mechanism. See Cal. Civ. Code § 1798.99.86 and 11 CCR § 7610.



***Each distinct legal entity must register separately***

Registration does not pass automatically from parent companies to subsidiaries or between affiliates. Instead, **each distinct legal entity** operating as a data broker and qualifying as a business must register and establish its own DROP account:

A business, **regardless of its status as a parent company or subsidiary of another business**, which independently meets the definition of “data broker” as set forth in Civil Code section 1798.99.80 for any period of time during the previous calendar year must register during the registration period through the Agency’s website and create a DROP account in accordance with section 7610.

11 CCR § 7602(a) (emphasis added).

***Data brokers must list their trade names and websites***

As part of registration, a business that operated as a data broker in the prior year must confirm the accuracy of the information that the business provided in its DROP account:

In addition to the information required by Civil Code section 1798.99.82, a data broker must confirm **at the time of registration** that the information provided pursuant to section 7610(a)(2) in its DROP account is correct, or update the entries with the correct information.

11 CCR § 7603(c) (emphasis added).

Specifically, among other information required to be included in the data broker’s DROP account, each data broker must provide:

The data broker’s business name and, if applicable, trade name(s) (i.e., “DBA”)...

11 CCR § 7610(a)(2)(A).



And starting in 2026, each data broker must also provide any website addresses where it provides services:

The data broker's public-facing website address(es), including any website address through which it offers or provides data broker services...

11 CCR § 7610(a)(2)(D).

All website links provided in the registration must be accurate and functioning. 11 CCR § 7603(b). The registration must also include, among other things, a link to a page on the data broker's website detailing how consumers can exercise their privacy rights, without the use of dark patterns. Cal. Civ. Code § 1798.99.82(b)(2)(G).

### ***Liability for failure to register***

Businesses engaging in data broker activity should carefully review the registration requirements to ensure they provide all required information by each year's deadline.

Failing to register comes with consequences. Any data broker that fails to register is liable for the following administrative fines and costs:

1. An administrative fine of two hundred (\$200) for each day the data broker fails to register as required by this section.
2. An amount equal to the fees that were due during the period it failed to register.
3. Expenses incurred by the California Privacy Protection Agency in the investigation and administration of the action as the court deems appropriate.

Cal. Civ. Code § 1798.99.82(c). The Delete Act grants the Agency power to bring administrative action against any data broker that fails to register. *See id.*



## **HYPOTHETICAL FACTUAL SCENARIO**

Business P is a registered data broker. Two years ago, Business P operated under a trade name, “Alpha.” Business P properly listed Alpha as a DBA in its registration form for the applicable year. In the past year, Business P started using “Beta” and “Gamma” as additional trade names.

Business P also has a subsidiary, Business S, that engaged in data broker activities in the prior year. Business S is a separate legal entity.

Businesses P and S are considering whether they need to register as the January 31 deadline approaches.

## **QUESTIONS BUSINESS P MIGHT ASK**

The parent company, Business P, should ask itself the following questions as it considers registration for the upcoming registration period:

### **BUSINESS P**

- What information do we need to provide in our registration form? For example:
  - Did we list the correct name and contact information?
  - Did we provide accurate and functional links where consumers can exercise their privacy rights?
- We are still using the “Alpha” trade name. Do we list it as part of our registration this year?
- We started using “Beta” and “Gamma” as trade names last year. Do we need to disclose those trade names with our registration?
- Should we list our subsidiary, Business S, as a DBA or register it separately?

## **QUESTIONS BUSINESS S MIGHT ASK**

The subsidiary, Business S, should ask itself the following questions as it considers registration for the upcoming registration period:



### **BUSINESS S**

- Business P is our parent company, but we are a separate legal entity. Do we need to register separately because we independently met the definition of a business and we operated as a data broker?
- We are a data broker similar to our parent company, Business P. Are we covered by Business P's data broker registration?
- If we are a data broker that must register separately, are we also a business that must comply with the California Consumer Privacy Act?

## **ENFORCEMENT ADVISORIES GENERALLY**

Enforcement Advisories address select provisions of the CCPA. Advisories do not cover all potentially applicable laws or enforcement circumstances; the Enforcement Division will make case-by-case enforcement determinations. Advisories do not implement, interpret, or make specific the law enforced or administered by the California Privacy Protection Agency, establish substantive policy or rights, constitute legal advice, or reflect the views of the Agency's Board.

Advisories do not provide any options for alternative relief or safe harbor from potential violations. The statutes and regulations control in the event of any conflicting interpretation. This Advisory provides the questions that follow as hypothetical examples of how a business might review its practices. Businesses should consult the statute, regulation, and/or an attorney before taking any action to ensure compliance with the law.

### **ISSUED BY**

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