



California Consumer Privacy Act (CCPA) Readiness Guidelines

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Overview

The California Consumer Privacy Act (CCPA) is a new consumer protection and data privacy act. It enhances the privacy rights for residents of the state of California in the United States. CCPA became effective on January 1, 2020, and enforcement is expected as of July 1, 2020. CCPA bears much similarity to the GDPR. It grants certain rights to Californian residents, including the following:

- Consumers have the right to be informed of the categories of personal data a business collects about them and to gain access to the personal data a business collects about them, twice a year, free of charge.
- Consumers have the right to sue in response to a data breach that results in the theft or unapproved disclosure of certain unencrypted or nonredacted personal data (if the company violated its duty to maintain reasonable security practices to protect the personal data).

Thus, organizations must disclose information about the collection, sale and disclosure of personal information.

Definitions

Business

The CCPA does not cover every business. The law defines a “business” as a legal entity that collects consumers’ personal information, determines the purposes and means of processing consumers’ personal information, conducts business in the State of California, and satisfies one or more enumerated thresholds:

- Earns annual gross revenues in excess of \$25,000,000;
- Buys, receives for commercial purposes, sells, or

shares for commercial purposes, the personal information of 50,000 or more consumers, households, or devices per year; or

- Derives 50 percent or more of its annual revenues from selling consumers’ personal information.

Service Provider

Although the CCPA does not explicitly refer to “controllers” and “processors”—which are the terms used by Europe’s General Data Protection Regulation (GDPR) to distinguish between the decision-making power for personal data processed by different types of entities—the act does define the term “service providers.” The CCPA defines “service provider” as a legal entity that “processes information on behalf of a business and to which the business discloses a consumer’s personal information for a business purpose pursuant to a written contract.”

Consumer

The CCPA defines “consumer” as “a natural person who is a California resident, as defined in Section 17014 of Title 18 of the California Code of Regulations..., however identified, including by any unique identifier.” According to the referenced state regulations, a California resident is any individual who is

- (1) “in the state of California for other than a temporary or transitory purpose,” or
- (2) “domiciled in the state” of California and “outside of the state for a temporary or transitory purpose.”

Personal Information

The CCPA defines “personal information” (PI) as “information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household.” Importantly, because the

CCPA defines household data as PI, that data may be protected under the CCPA even if it does not relate to a single individual.

Collection

The CCPA defines collection as “buying, renting, gathering, obtaining, receiving, or accessing any personal information pertaining to a consumer by any means.” Collection includes both active and passive receipt of information from the consumer and observations made about the consumer. This expansive definition of “collect” or “collection” encompasses information a business collects as well as information provided to the business by other parties, including directly from the consumer.

Sale and Disclosure

A “sale” under the CCPA includes “selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer’s personal information by the business to another business or a third party for monetary or other valuable consideration.”

Consent

Different levels of consent are needed for different situations under the CCPA. For example, consumers may opt out of consenting to the sale of their personal information by a business. Additionally, third parties that receive PI through a purchase must provide consumers with notice and an opportunity to opt out of further sales before selling that information.

CCPA Readiness Guidelines

Preparation for CCPA

- Keep a record of processing activities (ROPA) as a best practice to help document and categorize data by age, origin, lineage and usage by third parties.

- Understand the value of data to your business by reviewing your business strategy. Discover, map and inventory data and relevant processing activities related to California residents.
- Explore and implement processes to address consumer requests, including requests to delete, access and opt out of the sale of their data under CCPA guidelines.
- Determine the most cost-effective approach for your privacy program by offering the same privacy options to all customers. Share straightforward procedures with consumers, whether standard or personalized to Californians, like providing consumers the ability to opt out of the sale of their data, which is still under legislative review.
- Use risk assessment in your organization so teams know the essential actions they need to take to be ready for the CCPA

ZINFI and CCPA

ZINFI offers a comprehensive, scalable unified governance and integration platform and solutions. These solutions deliver data for insights and compliance initiatives to businesses, governments and individuals.

Data discovery and mapping

Discovery and mapping are foundational steps undertaken by ZINFI, where structured, semi-structured and unstructured data is reviewed and classified. Discovery and mapping help define the location and type of personal data that’s stored in our information systems. These steps help you take an inventory of your data, identify the largest areas of risk associated with it and make your data business-ready.

Records of data processing

Records of processing are permanently logged at ZINFI, helping you document what personal data

you hold, how you have captured it, what it's doing and where it's stored. A governed catalog of such information can be useful for responding to requests from regulators.

Responding to consumer rights requests

As per CCPA, we are required to respond to consumer requests regarding the collection, sale and disclosure of personal information within 45 days. Using an enterprise-scale, consistent processing approach for all requests, leveraging a single catalog, policy and processing criteria for each consumer will help you meet your obligations to consumers.

Data lifecycle management

ZINFI provides a level of data security that is appropriate to the risks you face. Techniques such as minimization, pseudonymization and encryption help you protect and manage personal information. You can govern the lifecycle of the data you store and process.

Disclosures of personal information

ZINFI discloses information about the collection, sale, and disclosure of personal information, and only use this personal information in accordance with disclosures. Consumers are empowered to be able to opt out of selling their personal data.



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