

Policy Paper Two: CCPA Political Implications

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The California Consumer Protection Act (CCPA) was a much needed but partially flawed document that needed amendments to round out its policy provisions. Due to its rushed implementation and vague terms, amendments ensured that more specifics were added and that terms were properly defined to clear up possible confusion.

Amendments to the CCPA

The California Consumer Protection Act was signed into law in 2018 but there was scrutiny levied about who it impacts and its supposed effects. The bill itself added additional responsibilities to businesses who fell under its umbrella, such as notifying customers of what data was being collected about them, allowing them to opt-out of certain types of data collection or opt out of data collection entirely, and required businesses who collected this data to properly secure and protect it (Shatz-Chylik, 2019). Businesses affected by these additional responsibilities and regulations were sent warning letters by the California Attorney General, who also stated that they had 30 days to follow the CCPA regulations before they would start to risk penalties (Putman, 2020). However, it soon became clear that there was going to be difficulty in enforcing these new regulations, mainly because there was no central agency dedicated to regulating and enforcing the CCPA. Other privacy laws created an agency to enforce their requirements, such as the GDPR in Europe having a central agency that enforced the GDPR. This became one of the many reasons that a law known as the California Privacy Rights Act would be drafted and then go into law in January of 2023, as it “extend on many aspects of the CCPA, including the introduction of the California Privacy Protection agency...” (Putman, 2020). Additionally, the California Attorney General passed many amendments of their own to the CCPA to clear up small areas of confusion. These amendments included requiring that businesses provide customers with the ability to submit opt-out requests offline, and that opt-out requests must be simple and may not attempt to trick the customer into not opting out of data collection (Shatz-Chylik, 2022). These amendments were necessary to ensure that businesses could not find legal loopholes to continue collecting the data of those that were not tech-savvy, such as the elderly or those with little to no access to technology. Overall, amendments were only passed as necessary and changes to the CCPA itself remained very few.

Conclusion

While the CCPA was a necessary piece of legislation and helps to protect the privacy rights of millions who live within California, it was not without its flaws. Like many pieces of legislation passed throughout history, amendments were needed to clear up loopholes that could be used to exploit those the bill sought to protect. Additionally, it would have been incredibly difficult to enforce the CCPA without the creation of the California Privacy Protection agency, as the Attorney General is only one person and cannot possibly enforce the act while also going about their duties. The CCPA still stands as an example to the rest of the US that privacy legislation is needed and its mistakes will help lead the way for the privacy acts of other states.

References

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