

ASSEMBLY BILL

No. 1564

Introduced by Assembly Member Berman

February 22, 2019

An act to amend Section 1798.130 of the Civil Code, relating to consumer privacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1564, as introduced, Berman. Consumer privacy: consumer request for disclosure methods.

Existing law, the California Consumer Privacy Act of 2018, commencing January 1, 2020, grants a consumer various rights with regard to the consumer's personal information that a business collects, discloses for a business purpose, or sells. Among these rights, the act authorizes a consumer to request that a business that collects, discloses for a business purpose, or sells the consumer's personal information to disclose to the consumer specified information related to those activities. The act imposes certain responsibilities on the Attorney General in connection with the act, including the creation of regulations and providing guidance on how to comply with the act.

The act provides that an above-described business is required, in a form that is reasonably accessible to consumers, to make available to consumers 2 or more designated methods for submitting requests for specified information required to be disclosed, including, at a minimum, a toll-free telephone number, and, if the business maintains an internet website, a website address.

This bill would, instead, require the business, in a form that is reasonably accessible to consumers, to make available to consumers a toll-free telephone number or an email address for submitting requests

for information required to be disclosed, as specified. The bill would, if the business maintains an internet website, require the business to make the internet website address available to consumers to submit requests for information required to be disclosed, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1798.130 of the Civil Code is amended
2 to read:

3 1798.130. (a) In order to comply with Sections 1798.100,
4 1798.105, 1798.110, 1798.115, and 1798.125, a business shall, in
5 a form that is reasonably accessible to consumers:

6 (1) (A) ~~Make available to consumers two or more designated~~
7 ~~methods a toll-free telephone number or an email address for~~
8 submitting requests for information required to be disclosed
9 pursuant to Sections 1798.110 and ~~1798.115, including, at a~~
10 ~~minimum, a toll-free telephone number, and if the business~~
11 ~~maintains an Internet Web site, a Web site address.~~ 1798.115.

12 (B) *If the business maintains an internet website, make the*
13 *internet website available to consumers to submit requests for*
14 *information required to be disclosed pursuant to Sections 1798.110*
15 *and 1798.115.*

16 (2) Disclose and deliver the required information to a consumer
17 free of charge within 45 days of receiving a verifiable consumer
18 request from the consumer. The business shall promptly take steps
19 to determine whether the request is a verifiable consumer request,
20 but this shall not extend the business’s duty to disclose and deliver
21 the information within 45 days of receipt of the consumer’s request.
22 The time period to provide the required information may be
23 extended once by an additional 45 days when reasonably necessary,
24 provided the consumer is provided notice of the extension within
25 the first 45-day period. The disclosure shall cover the 12-month
26 period preceding the business’s receipt of the verifiable consumer
27 request and shall be made in writing and delivered through the
28 consumer’s account with the business, if the consumer maintains
29 an account with the business, or by mail or electronically at the
30 consumer’s option if the consumer does not maintain an account
31 with the business, in a readily useable format that allows the

1 consumer to transmit this information from one entity to another
2 entity without hindrance. The business shall not require the
3 consumer to create an account with the business in order to make
4 a verifiable consumer request.

5 (3) For purposes of subdivision (b) of Section 1798.110:

6 (A) To identify the consumer, associate the information provided
7 by the consumer in the verifiable consumer request to any personal
8 information previously collected by the business about the
9 consumer.

10 (B) Identify by category or categories the personal information
11 collected about the consumer in the preceding 12 months by
12 reference to the enumerated category or categories in subdivision
13 (c) that most closely describes the personal information collected.

14 (4) For purposes of subdivision (b) of Section 1798.115:

15 (A) Identify the consumer and associate the information
16 provided by the consumer in the verifiable consumer request to
17 any personal information previously collected by the business
18 about the consumer.

19 (B) Identify by category or categories the personal information
20 of the consumer that the business sold in the preceding 12 months
21 by reference to the enumerated category in subdivision (c) that
22 most closely describes the personal information, and provide the
23 categories of third parties to whom the consumer's personal
24 information was sold in the preceding 12 months by reference to
25 the enumerated category or categories in subdivision (c) that most
26 closely describes the personal information sold. The business shall
27 disclose the information in a list that is separate from a list
28 generated for the purposes of subparagraph (C).

29 (C) Identify by category or categories the personal information
30 of the consumer that the business disclosed for a business purpose
31 in the preceding 12 months by reference to the enumerated category
32 or categories in subdivision (c) that most closely describes the
33 personal information, and provide the categories of third parties
34 to whom the consumer's personal information was disclosed for
35 a business purpose in the preceding 12 months by reference to the
36 enumerated category or categories in subdivision (c) that most
37 closely describes the personal information disclosed. The business
38 shall disclose the information in a list that is separate from a list
39 generated for the purposes of subparagraph (B).

1 (5) Disclose the following information in its online privacy
2 policy or policies if the business has an online privacy policy or
3 policies and in any California-specific description of consumers'
4 privacy rights, or if the business does not maintain those policies,
5 on its ~~Internet Web site~~, *internet website*, and update that
6 information at least once every 12 months:

7 (A) A description of a consumer's rights pursuant to Sections
8 1798.110, 1798.115, and 1798.125 and one or more designated
9 methods for submitting requests.

10 (B) For purposes of subdivision (c) of Section 1798.110, a list
11 of the categories of personal information it has collected about
12 consumers in the preceding 12 months by reference to the
13 enumerated category or categories in subdivision (c) that most
14 closely describe the personal information collected.

15 (C) For purposes of paragraphs (1) and (2) of subdivision (c)
16 of Section 1798.115, two separate lists:

17 (i) A list of the categories of personal information it has sold
18 about consumers in the preceding 12 months by reference to the
19 enumerated category or categories in subdivision (c) that most
20 closely describe the personal information sold, or if the business
21 has not sold consumers' personal information in the preceding 12
22 months, the business shall disclose that fact.

23 (ii) A list of the categories of personal information it has
24 disclosed about consumers for a business purpose in the preceding
25 12 months by reference to the enumerated category in subdivision
26 (c) that most closely describe the personal information disclosed,
27 or if the business has not disclosed consumers' personal
28 information for a business purpose in the preceding 12 months,
29 the business shall disclose that fact.

30 (6) Ensure that all individuals responsible for handling consumer
31 inquiries about the business's privacy practices or the business's
32 compliance with this title are informed of all requirements in
33 Sections 1798.110, 1798.115, 1798.125, and this section, and how
34 to direct consumers to exercise their rights under those sections.

35 (7) Use any personal information collected from the consumer
36 in connection with the business's verification of the consumer's
37 request solely for the purposes of verification.

38 (b) A business is not obligated to provide the information
39 required by Sections 1798.110 and 1798.115 to the same consumer
40 more than twice in a 12-month period.

1 (c) The categories of personal information required to be
2 disclosed pursuant to Sections 1798.110 and 1798.115 shall follow
3 the definition of personal information in Section 1798.140.

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