



# CCPA and Our Compliance Statement

## All In One In-Depth Compliance Insight

### California Consumer Privacy Act (CCPA) – FAQ

The California Consumer Privacy Act (or CCPA) is the most extensive U.S. privacy law. This law places certain limitations on the collection as well as the sale of a consumer's personal information. It offers explicit rights to consumers concerning their personal information (PI).

Below we address some of the FAQs that help businesses determine if they are subject to CCPA and, if so, learn about its obligations and steps to integrate policies and procedures to confirm compliance.

#### What is the California Consumer Privacy Act?

The [CCPA or the California Consumer Privacy Act](#) is the first comprehensive privacy law in the U.S. The CCPA was signed into law at the end of June 2018 and comes with a wide range of privacy rights to California consumers. Any business regulated by the CCPA should comply with several obligations allied to the consumers, including GDPR-like rights for consumers, disclosures, an "opt-out," and "opt-in" for specific data transfers

#### When will the CCPA come into effect?

The CCPA is all set to take effect on January 1, 2020. However, enforcement by the Attorney General will not initiate until July 1, 2020. There may be further changes or revisions before the law goes into effect, and TDInsights will continue to align our CCPA compliance as changes occur.

## Who does the CCPA apply to?

The CCPA is only applicable to the companies doing business in California and annually satisfying one or more of the following: (1) derive 50% or more of its annual revenue by selling the consumer's personal information (2) have a gross income of over \$25 million, or (3) buys, sells, or shares the PI of over 50,000 consumers.

## Is CCPA applicable to B2B industries?

A B2B company that interacts with other businesses, and not with the consumers, needs to comply with the CCPA only if it meets the threshold definition described in the previous answer. Here, the compliance of the act is based on the type of information your firm collects. If it amasses information that identifies, is capable of being related to or could be rationally linked, directly or indirectly, with any particular California resident, your company is subject to the CCPA and needs to comply with its guidelines.

## Who is a California Resident?

A California resident also referred to as a "Consumer" in the newly introduced CCPA, is any individual who meets the delineation of "resident" as specified under the California tax provisions. In broad-spectrum, the California tax provision describes a California resident as (i) an individual who is in California for other than a transitory or temporary purpose, and (ii) an individual who is domiciled in California but outside the state for a temporary purpose.

## Is the CCPA applicable if a consumer is no longer a California resident?

Depending on the facts, when a consumer is transferred or moved to a location outside of California, he/she may no longer be a resident of California, and the CCPA will no longer secure their personal information. Besides, the PI may be protected by their new state of residence or other jurisdiction, and the covered businesses should consider this without fail.

## What are the CCPA exceptions?

The CCPA is not applicable in the following cases:

- ▶ Collaboration with law enforcement agencies or exercising/defending any legal claims.
- ▶ A civil, criminal, or regulatory investigation; or any subpoena.
- ▶ Efforts to comply with federal, state, or local law.
- ▶ PI assembled, controlled, sold, or disclosed as per the California Financial Information Privacy Act (CFIPA) or Gramm-Leach-Bliley Act.
- ▶ Medical information collected by an entity governed by the Health Insurance Portability and Accountability Act, California Confidentiality of Medical Information Act (CMIA), or information gathered for clinical trials.
- ▶ Data gathered, processed, sold, or disclosed in agreement with the Driver's Privacy Protection Act [DPPA] of 1994.
- ▶ The selling of PI to or from any consumer reporting agency which must be reported in or employed to form a consumer report.

## Does GDPR compliance cover CCPA?

No. The efforts made to stay compliant with the EU's data protection regulation can also be leveraged for agreement with the CCPA, but the CCPA is not interchangeable with the GDPR. The compliance with GDPR does not equate in accordance with the CCPA.

## What is the difference between GDPR and CCPA?

Generally, the two laws have significant similarities, but they also present a few differences. For instance, GDPR has an extra-territorial effect where the law is applicable to companies that process EU data even if it's not established in the EU. On the other hand, the CCPA is marginally narrower in its scope.

Besides, the GDPR requires companies to provide "opt-in" options prior to accessing their data. In contrast, CCPA obliges entities to only supply "opt-out" when any personal data is actively sold or shared.

## What is deemed as personal information under the CCPA?

Under CCPA, personal information or PI refers to information that recognizes, relates to, defines, and associated with a consumer or household.

The personal data includes:

- ▶ Full name
- ▶ Telephone number
- ▶ Mobile number
- ▶ Email address
- ▶ Home address
- ▶ Physical/physiological/genetic information
- ▶ Medical information
- ▶ Cultural identity
- ▶ Driver's license
- ▶ National ID card
- ▶ Passport number
- ▶ Social Security Number (or equivalent)
- ▶ Bank details/account numbers
- ▶ Credit/Debit card numbers
- ▶ Tax file number
- ▶ Cookies
- ▶ IP address
- ▶ Location/GPS data

## What rights must firms enable under the CCPA?

- ▶ The CCPA entails regulated businesses that amass, use, handover, and trade personal information to, amid other things.
- ▶ Enable Consumer rights concerning access, deletion, and portability of the explicit pieces of PI that has been collected by your company.
- ▶ Offer disclosures to consumers, before collection, on the subject of the categories and purposes of data collection.
- ▶ Confirm that consumers are not distinguished against for exercising any of their privileges under the CCPA.
- ▶ Provide comprehensive disclosures in a privacy policy about the business purposes, sources, and classes of PI that is assembled, together with how those categories are traded or transferred to other entities.
- ▶ For minors, below 16 years old, permit an opt-in process so that no sale of the minor's PI can take place deprived of vigorously opting into the sale.
- ▶ Enable a control that allows consumers to opt-out of the "sale" of their data. Nevertheless, certain transfers remain permitted.

## What are the CCPA required disclosures?

The CCPA required disclosures are:

- ▶ Categories of sources utilized in the collection process.
- ▶ Categories of PI of the consumer that has been amassed.
- ▶ The types of third parties with whom the PI is shared.
- ▶ Categories of PI that has been revealed for a business purpose and the types of third parties to whom each category of PI was shared.
- ▶ Categories of PI that has been sold and the types of third parties to whom each category of PI was sold.
- ▶ The specific PI that has been assembled about the consumer.
- ▶ The commercial or business drives for collecting.

## How is data sold under the CCPA?

The definition of sell is incredibly broad in the CCPA. It includes making PI available to any third party for financial or other valuable concern. However, if a consumer has chosen to “opt-out,” the business must turn off the flow of their information to third parties.

## How does the CCPA apply to children?

CCPA comes with the parental accord obligations consistent with 'The Children's Online Privacy Protection Act' (COPPA) for children below 13 years old. For children between the age of 13 and 16, the CCPA levies a new obligation to get “opt-in” consent from the child for any sale of their PI.

## Does the CCPA apply to website cookies?

The PI collected by website cookies identifying or reasonably linking to a particular consumer or device may be subject to the disclosure notices and consumer rights, comprising the right to delete or “opt-out” of the sale of information to a third party, as other PI accumulated through the site.

## How much will companies be fined for noncompliance?

Under CCPA, companies are given 30 days to cure violations and notify consumers regarding it. After this period, if the business still doesn't comply with the law, it receives a fine anywhere between \$2,500 and \$7,500. The companies may also need to pay about \$100 to \$750 per consumer per incident after the civil action.

## What is TDInsights doing to achieve CCPA compliance?

As TDInsights has implemented GDPR globally, we are presently in the right position to meet the newly introduced CCPA requirements. We are working with privacy specialists and attorneys to certify our processes and platforms comply with CCPA. We have also revised our third-party data sharing agreements and taken steps to ensure that the binding contractual terms are in place. Our motive is to keep you safe, align with industry practices, and aid in compliance with CCPA.

## What responsibility does TDInsights have regarding the clients and their usage of data?

TDInsights is a B2B data solution provider and it does not deal with the customer's personal information that are defined in the CCPA. However, our responsibility includes processing the client's business data in an accountable, secure, and reserved way as instructed by them. We are also dedicated to helping educate the clients on how to plan for CCPA with blogs, guides, and other resources on [tdinsights.com](https://tdinsights.com).

## What TDInsights recommend clients to do?

TDInsights recommend clients to

- 1) form an updated Privacy Policy detailing information gathered
- 2) review data collection channels across their association
- 3) confirm a clear process is in place to share this information with entities as requested and offer opt-out preferences that are forthright and treated quickly.

## About TDInsights:

TDInsights offers the best quality data solutions that are designed to boost the performance of your marketing campaigns and drive excellent sales revenue. Its network is spread across the globe, keeping the B2B database enriched with 50+ million records from top companies in more than 60+ countries.



4512 Legacy Drive, Suite 100, Plano, TX 75024

+1-469-666-1092 | [info@tdinsights.com](mailto:info@tdinsights.com)



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