

Privacy Policy Requirements (California)

What Needs to Be In The Privacy Policy?

The purpose of the privacy policy is to provide consumers with a comprehensive description of a business's online and offline information practices. It shall also inform consumers about the rights they have regarding their personal information and provide any information necessary for them to exercise those rights. § 7011(a).

- ☐ **1. The following is required to be included in a privacy notice** 1798.110(b):
 - ☐ A list of the categories of personal information collected about consumers in the preceding 12 months by reference to the enumerated category or categories in Section 1798.110(c);
 - ☐ A list of the categories of personal information collected about consumers in the preceding 12 months by reference to the enumerated category or categories that most closely describe the personal information sold or shared. § 7011 (e)(1)(A)
 - ☐ A list of the categories of personal information sold or shared about consumers in the preceding 12 months by reference to the enumerated category or categories that most closely describe the personal information sold or shared, or if the business has not sold or shared consumers' personal information in the preceding 12 months, the business shall

prominently disclose that fact in its privacy policy. § 7011 (e)(1)(D)

- ☐ A list of the categories of personal information disclosed to a service provider or contractor for a business purpose about consumers in the preceding 12 months by reference to the enumerated category or categories that most closely describe the personal information sold or shared, or if the business has not sold or shared consumers' personal information in the preceding 12 months, the business shall prominently disclose that fact in its privacy policy. § 7011 (e)(1)(H)
- ☐ Identification of the categories of sources from which the personal information is collected. The categories shall be described in a manner that provides consumers a meaningful understanding of where the information is collected. § 7011 (e)(1)(B).
- ☐ Identification of the specific business or commercial purpose for collecting personal information from consumers. The purpose shall be described in a manner that provides consumers a meaningful understanding of why the information is collected. § 7011 (e)(1)(C).
- ☐ For each category of personal information identified in subsection (e)(1)(D), the categories of third parties to whom the information was sold or shared. The categories of third parties shall be described in a manner that provides consumers a meaningful understanding of the parties to whom the information is sold or shared.
- ☐ Identification of the specific business or commercial purpose for selling or sharing or disclosing consumers' personal information. The purpose shall be described in a manner that provides consumers a meaningful understanding of why the information is sold or

shared. § 7011 (e)(1)(F).

- ☐ A statement regarding whether the business has actual knowledge that it sells or shares the personal information of consumers under 16 years of age.
- ☐ A statement regarding whether the business uses or discloses sensitive personal information for purposes other than those specified in section 7027, subsection (m). § 7011 (e)(1)(J).
- ☐ An explanation of the rights that the CCPA confers on consumers regarding their personal information, which includes all of the following: § 7011 (e)(2).
 - ☐ (A) The right to know what personal information the business has collected about the consumer, including the categories of personal information, the categories of sources from which the personal information is collected, the business or commercial purpose for collecting, selling, or sharing personal information, the categories of third parties to whom the business discloses personal information, and the specific pieces of personal information the business has collected about the consumer.
 - ☐ (B) The right to delete personal information that the business has collected from the consumer, subject to certain exceptions.
 - ☐ (C) The right to correct inaccurate personal information that a business maintains about a consumer.
 - ☐ (D) If the business sells or shares personal information, the right to opt-out of the sale or sharing of their personal information by the business.

- ☐ (E) If the business uses or discloses sensitive personal information for reasons other than those set forth in section 7027, subsection (m), the right to limit the use or disclosure of sensitive personal information by the business.
- ☐ (F) Except as set forth in section 7221, subsection (b), if the business uses ADMT as set forth in section 7200, subsection (a), the right to opt-out of ADMT.
- ☐ (G) If the business uses ADMT as set forth in section 7200, subsection (a), the right to access ADMT.
- ☐ (H) The right not to be retaliated against for exercising privacy rights conferred by the CCPA, including when a consumer is an applicant to an educational program, a job applicant, a student, an employee or an independent contractor.
- ☐ An explanation of how consumers can exercise their CCPA rights and what consumers can expect from that process, which includes all of the following:
 - ☐ (A) An explanation of the methods by which the consumer can exercise their CCPA rights.
 - ☐ (B) Instructions for submitting a request under the CCPA, including any links to an online request form or portal for making such a request, if offered by the business.
 - ☐ (C) If the business sells or shares personal information, and is required to provide a Notice of Right to Opt-out of Sale/Sharing, the contents of the Notice of Right to Opt-out of Sale/Sharing or a link to that notice in accordance with section 7013, subsection (f).
 - ☐ (D) If the business uses or discloses sensitive personal information for purposes

other than those specified in section 7027, subsection (m), and is required to provide a Notice of Right to Limit, the contents of the Notice of Right to Limit or a link to that notice in accordance with section 7014, subsection (f).

- ☐ (E) A general description of the process the business uses to verify a consumer request to know, request to delete, request to correct, and request to access ADMT, when applicable, including any information the consumer must provide.
- ☐ (F) Explanation of how an opt-out preference signal will be processed for the consumer (i.e., whether the signal applies to the device, browser, consumer account, and/or offline sales, and in what circumstances) and how the consumer can use an opt-out preference signal, if the business sells or shares personal information and is required to process opt-out preference signals.
- ☐ (G) If the business processes opt-out preference signals in a frictionless manner, information on how consumers can implement opt-out preference signals for the business to process in a frictionless manner.
- ☐ (H) Instructions on how an authorized agent can make a request under the CCPA on the consumer's behalf.
- ☐ (I) If the business has actual knowledge that it sells the personal information of consumers under 16 years of age, a description of the processes required by sections 7070 and 7071.
- ☐ (J) A contact for questions or concerns about the business's privacy policies and information practices using a method reflecting the manner in which the business

primarily interacts with the consumer.

- ☐ Date the privacy policy was last updated.
 - ☐ If subject to the data reporting requirements set forth in section 7102, the information required under section 7102, or a link to that information.
 - ☐ The length of time the business intends to retain each category of personal information identified in subsection § 7012(e)(1), or if that is not possible, the criteria used to determine the period of time it will be retained.
 - ☐ The privacy policy shall comply with section 7003, subsections (a) and (b). § 7011(b)
- ☐ **2. A business shall:** 1798.130(a):
- ☐ Make available to consumers two or more designated methods for submitting requests for information required to be disclosed under this statute, or requests for deletion or correction, respectively, including, at a minimum, a toll-free telephone number. A business that operates exclusively online and has a direct relationship with a consumer from whom it collects personal information shall only be required to provide an email address for submitting requests for information required to be disclosed, or for requests for deletion or correction, respectively.
 - ☐ (If the business maintains an internet website), make the internet website available to consumers to submit requests for information required to be disclosed or requests for deletion or correction.
 - ☐ **Make Sensitive Personal Information Disclosures (if applicable):**
 - ☐ List categories of sensitive personal information collected;

- ☐ Disclose whether sensitive personal information is used or disclosed for purposes beyond those necessary to provide requested services (as specified in §1798.121(a));
- ☐ If applicable, explain how consumers can limit use/disclosure of sensitive personal information;
- ☐ Provide notice pursuant to §1798.135(a) if using sensitive personal information for purposes other than those specified in §1798.121(a);
- ☐ **Provide Opt-Out Preference Signal Confirmation** (§1798.135(b):
 - ☐ Display "Opt-Out Request Honored" or "Your Privacy Choices Honored" when a consumer using an opt-out signal visits the website and the business has processed the opt-out signal as a valid request to opt-out of sale/sharing on its website;
- ☐ **Make Automated Decision-Making Technology(ADMT) Disclosures** (11 CCPA §§7200-7222; Effective January 1, 2027):
- ☐ If using ADMT to make "significant decisions" (employment, credit, healthcare, housing, education), businesses must disclose:
 - ☐ A business that uses ADMT as set forth in section 7200, subsection (a), must provide consumers with a Pre-use Notice in accordance with section 7220;
 - ☐ That ADMT is being used for significant decisions (§7200) and which specific decision the business plans to use ADMT for with respect to the consumer (§7220(c)(1)).
 - ☐ A description of how the ADMT works, including what types of personal information affect its outputs.
 - ☐ Categories of personal information processed by ADMT.

- ☐ Except as set forth in section 7221, subsection (b), a business that uses ADMT as set forth in section 7200, subsection (a), must include in its Pre-use Notice a link through which consumers can opt-out of the business's use of ADMT, in accordance with section 7221, subsection (c)(1).
- ☐ If relying on an exception in section 7221, then the business must identify the specific exception it is relying upon.
- ☐ **Comply with Cybersecurity Audits** Article 9 - §§7120-7124 (if applicable);
- ☐ **Comply with Risk Assessment** Article 10 - § 7150 (if applicable);
- ☐ **3. A consumer shall:**
 - ☐ Have the right, at any time, to direct a business that sells or shares personal information about the consumer to third parties not to sell or share the consumer's personal information (§ 1798.120).
- ☐ **A business does not Share personal information when** (1798.140(ah)(2):
 - ☐ (A) A consumer uses or directs the business to intentionally disclose personal information or intentionally interact with one or more third parties;
 - ☐ (B) The business uses or shares an identifier for a consumer who has opted out of the sharing of the consumer's personal information or limited the use of the consumer's sensitive personal information for the purposes of alerting persons that the consumer has opted out of the sharing of the consumer's personal information or limited the use of the consumer's sensitive personal information;

- ☐ (C) The business transfers to a third party the personal information of a consumer as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the business, provided that information is used or shared consistently with this title. If a third party materially alters how it uses or shares the personal information of a consumer in a manner that is materially inconsistent with the promises made at the time of collection, it shall provide prior notice of the new or changed practice to the consumer. The notice shall be sufficiently prominent and robust to ensure that existing consumers can easily exercise their choices consistently with this title.

How Does The Privacy Policy Need To Be Provided? (1798.130(a):

- ☐ In a form that is reasonably accessible to consumers.
- ☐ The privacy policy shall be available in a format that allows a consumer to print it out as a document. § 7011(c).
- ☐ The privacy policy shall be posted online and accessible through a conspicuous link that complies with section 7003, subsections (c) and (d), using the word “privacy” on the business’s website homepage(s) or on the download or landing page of a mobile application. If the business has a California-specific description of consumers’ privacy rights on its website, then the privacy policy shall be included in that description. A business that does not operate a website shall make the privacy policy conspicuously available to consumers. A mobile application must also include a link to the privacy policy in the application’s settings menu.

Privacy Disclosures

- ☐ Disclosures and communications must be easy to read and understandable to consumers (11 CCPA §7003(a))
- ☐ Disclosures and communications to consumers shall be easy to read and understandable to consumers. For example, they shall use plain, straightforward language and avoid technical or legal jargon. (11 CCPA §7003(a))
- ☐ Use a format that makes the disclosure readable, including on smaller screens, if applicable. (11 CCPA §7003(b)(1))
- ☐ Be available in the languages in which the business in its ordinary course provides contracts, disclaimers, sale announcements, and other information to consumers in California. (11 CCPA §7003(b)(2))
- ☐ Be reasonably accessible to consumers with disabilities. For notices provided online, the business shall follow generally recognized industry standards, such as the Web Content Accessibility Guidelines, version 2.1 of June 5, 2018. In other contexts, the business shall provide information on how a consumer with a disability may access the policy in an alternative format. (11 CCPA §7003(b)(3))
- ☐ For websites, a conspicuous link required under the CCPA or these regulations shall appear in a similar manner as other similarly-posted links used by the business on its homepage(s). (11 CCPA §7003(c))
- ☐ The business shall use a font size and color that is at least the approximate size or color as other links next to it that are used by the business on any internet webpage where personal information is

collected.(11 CCPA §7003(c))

- ☐ For mobile applications, a conspicuous link shall be included in the business's privacy policy, which must be accessible through the mobile application's platform page or download page. It must also be accessible through a link within the application, such as through the application's settings menu. (11 CCPA §7003(d))