

CCPA APPLICABILITY Cheat Sheet

The California Consumer Privacy Act (CCPA), located at Cal. Civ. Code § 1798.100 et seq., gives California residents various rights with respect to their personal information, including the right to know, the right to delete, and the right to opt out. The CCPA also prohibits businesses from discriminating against California residents because these rights are exercised. The CCPA imposes corresponding notice, disclosure, deletion, and related requirements on “businesses” as that term is defined in the CCPA.

This analysis is subject to change, pending further guidance on the CCPA from the California Attorney General and the finalization of the CCPA regulations. This cheat sheet is being sent to draw your attention to issues and does not replace legal counseling.

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Q: Are you a “business” under the CCPA?

You are a “business” if:

- You are a for-profit entity that does business in California;
- You collect California residents’ personal information (or that information is collected on your behalf) and you determine (whether alone or jointly with others) the purposes and means of the processing of that information; and
- You satisfy one or more of the following:
 - (A) Your organization has annual gross revenues exceeding \$25 million.
 - (B) Your organization annually buys, receives, sells, or shares personal information of more than 50,000 California residents, households, or devices for commercial purposes.
 - (C) Your organization derives 50% or more of its annual revenue from selling California residents’ personal information.

OR

- You control or are controlled by an entity that meets the above requirements and you share common branding (i.e., a trademark, service mark, or name) with that entity.

Q: What “personal information” is subject to the CCPA?

Personal Information means information that

identifies

..... OR

relates to

..... OR

describes

..... OR

is reasonably capable of being associated with

..... OR

could reasonably be linked, directly or indirectly, with

a particular consumer or household.

Personal information includes, for example, the following types of information, provided the above requirement is met:

Identifiers (e.g., names, addresses, identification numbers)	Characteristics of legally protected classifications	Commercial information (e.g., products/services purchased or considered)	Biometric information	Internet activity
Geolocation data	Sensory input	Professional and employment-related information	Education information under FERPA	Inferences drawn from any of these types of information

Personal information excludes “**publicly available**” information, “**deidentified**” information, and “**aggregate consumer information**” (as each term is defined by the CCPA).