CLIENT ALERTS & INSIGHTS

CCPA Applicability Cheat Sheet (and a Special Note for Nonprofits)

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It's that time. The December 6, 2019, deadline to submit comments on the proposed California Consumer Privacy Act (CCPA) regulations has come and gone and the CCPA will go into effect in 14 days. Submitted comments-1,726 pages in total-are available for our (and your) reading enjoyment on the California Attorney General's website.[1]

Across the country and the rest of the world, organizations are in various stages of preparing for the impending go-live of the CCPA. For those who are closer to the starting line than they may realize (or want to admit), Benesch Law has prepared a CCPA Applicability Cheat Sheet to help guide organizations through and around that threshold question: *Does the CCPA apply to me?*

But wait. Asking whether or not the CCPA "applies" to a given person or entity runs the risk of oversimplifying the CCPA and the respective reaches of the law's various arms and legs. The nature of the CCPA's applicability depends on your role-Business? Service provider? Individual resident? Data point? So, in the name of precision, how about this: *Am I a "business" under the CCPA and therefore subject to the CCPA's notice, disclosure, deletion, and related obligations?*

Nonprofit organizations should carefully review the second of the two ways in which an entity can be a "business" under the CCPA. If a nonprofit shares *common branding* with a for-profit entity that is subject to the CCPA and the nonprofit either *controls* or *is controlled by* that for-profit entity, the nonprofit will be pulled into the CCPA as a result of that relationship.

Service providers of nonprofits should also take note: under the draft CCPA regulations (emphasis on *draft*), if you provide services to an entity that does *not* qualify as a "business" but you otherwise meet the definition of "service provider," you will be considered a "service provider" of that entity under the CCPA.

Take a look at our cheat sheet to get this conversation started and to explore the scope of "personal information" covered by the CCPA.

[1] https://oag.ca.gov/privacy/ccpa

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