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MEMORANDUM

July 18, 2018

To Our Clients and Friends

Re: California Consumer Privacy Act of 2018

California has enacted the California Consumer Privacy Act of 2018 (AB 375). The law is effective January 1, 2020.

The Act grants California consumers enhanced control over the use of their personal information by businesses. The legislation provides that consumers have the right to request that a business that collects a consumer's personal information disclose to the consumer the categories and "specific pieces" of information the business has collected. A business that receives a consumer request to access personal information must promptly disclose and deliver the information required via mail or electronically; however, a business is not required to provide personal information to a consumer more than twice in a twelve-month period. A business may not discriminate against a consumer as a result of a consumer's request.

In addition, any business that collects personal information is required to inform consumers, at or before the point of collection, what categories of information will be collected and the purpose for which the information will be used. A consumer can instruct a business that sells personal information about the consumer to stop this activity at any time and request that all personal information collected by the business be deleted. A business may not collect additional categories of information or use the information for additional purposes without providing notice to the consumer.

Personal information is "information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household." It includes:

- online identifier Internet Protocol address
- commercial information, such as records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies

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- biometric information
- Internet or other electronic network activity information, including, browsing history, search history, and information regarding a consumer's interaction with an Internet Website, application, or advertisement;
- geolocation data
- audio, electronic, visual, thermal, olfactory, or similar information
- inferences drawn from the information to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, preferences, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes

This law does not apply to personal information collected, processed, sold, or disclosed pursuant to the Gramm-Leach-Bliley Act and implementing regulations, nor does it apply to the sale of personal information to or from a consumer reporting agency if the use of that information is limited by the Fair Credit Reporting Act.

A copy of the California Consumer Privacy Act of 2018 is available on our website at <http://www.schwartzandballen.com/news.html>.

If you have any questions, please call Gilbert Schwartz, Robert Ballen, Heidi Wicker, or Magda Gathani at (202) 776-0700.