

CALIFORNIA PRIVACY PROTECTION AGENCY

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**CALIFORNIA PRIVACY PROTECTION AGENCY****REQUEST FOR EARLIER EFFECTIVE DATE
OAL Matter No. 2024-1112-02S Data Broker Registration**

Pursuant to Government Code section 11343.4 subdivision (b), the California Privacy Protection Agency (Agency) respectfully requests that the Data Broker Registration regulations, OAL Matter No. 2024-1112-02S, be effective upon filing.

Civil Code section 1798.99.82 subdivision (a) provides:

On or before January 31 following each year in which a business meets the definition of data broker as provided in this title, the business shall register with the California Privacy Protection Agency pursuant to the requirements of this section.

The Data Broker Registration regulations under review by the Office of Administrative Law, implement and make specific the registration requirements of Civil Code section 1798.99.82. The statute requires that each data broker register on or before January 1, if they met the legal definition of data broker in the prior year. Therefore, the registration period begins on January 1, the first day after the prior year ends, and runs through January 31, the date by which data brokers must register to comply with the statute. If the regulations become effective based on the regular quarterly schedule, these regulations would become effective on April 1, 2025, after the 2025 registration period closes, thereby delaying the important protections for consumers and their personal information.

The proposed regulations provide several benefits to consumers by furthering the state's interest in providing transparency into an industry that collects a massive amount of data about consumers, while consumers know very little about what information data brokers collect and sell about them. Providing consumers with additional, uniform information will provide them with a better understanding of which data brokers may collect their data. This, in turn, enables them to make more informed decisions about exercising their privacy rights, such as the right to delete personal information or opt-out of sale or sharing of their personal information.

The proposed regulations also facilitate increased compliance with the laws by providing clarity to data brokers about how to register as required by SB 362, allowing payment by a more efficient and convenient method to ensure state revenue is properly collected, and defining critical terms. The clarification of requirements in the proposed regulations will strengthen the Agency's ability to address noncompliance by businesses acting as data brokers.

The regulations advance the state's goal of transparency, supports the consumer's ability to make informed choices about their personal information, provides the consumer with realistic expectations regarding the extent to which they can expect their personal information to be deleted, and potentially decrease the likelihood of their information being used illegally or inappropriately.

As Civil Code section 1798.99.82 requires an annual registration by data brokers no later than January 31, if these regulations are not in effect for the 2025 registration period, the benefits provided by implementing the statute through these regulations will not be realized until the 2026 registration period. This will undermine the state's ability to regulate the data broker industry and consumers' ability to exercise their rights over their personal information for a full year. Therefore, the Agency respectfully requests that these regulations become effective on the date filed so that they are in effect for the entire 2025 registration period, which begins on January 1, 2025.

The Agency hereby incorporates this Request for Earlier Effective Date submitted to the Office of Administrative Law as part of the rulemaking record.