

# California Amends California Consumer Privacy Act

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In June of this year, California [passed](#) the California Consumer Privacy Act (CCPA) giving California residents specific rights related to their online privacy, [similar to those proscribed by GDPR](#). The law was passed hastily to avoid a stricter ballot measure on the subject, but Governor Brown recently signed a bill amending the law.

Many of the amendments clarify some of the CCPA's "technical" errors, such as solidifying that the Act should not be enforced to contradict the California Constitution. The most significant change, however, deals with the enforcement of the Act. Although Section 1798.198 makes the Act operative on January 1, 2020, the newly-added Section 1798.185(7)(c) prevents the Attorney General from bringing an enforcement action under the Act until July 1, 2020, or six months after the final regulations made pursuant to the Act are published, whichever is sooner. Thus, although the effective date is January of 2020, the California Attorney General may not be able to bring enforcement actions until up to six months after the enactment date, depending on when the office promulgates regulations. The amendments also extend the date by which the Attorney General must promulgate regulations from January 1, 2020 to July 1, 2020.

Another point worth noting is that the amendments remove the requirement for a private plaintiff to inform the Attorney General of a claim he or she has brought to enforce his or her private cause of action under the Act. This eliminates the ability of the Attorney General to bring its own action in lieu of a private one.

Additional changes include specifying additional laws to which the Act does not apply, including: (1) the Confidentiality of Medication Information Act or regulations promulgated in response to HIPAA, or the Health Information Technology for Economic and Clinical Health Act; (2) the Federal Policy for Protection of Human Subjects; and (3) the California Financial Information Privacy Act. The amendments also limit the civil penalty to \$2,500 per violation, or \$7,500 for each intentional violation.

Although this bill has clarified some issues with the original law, this will likely not be the last set of amendments to the CCPA before it goes into effect. We will keep you posted.