

Further Amendments to CCPA Regulations Are Approved and in Effect

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California's Office of Administrative Law approved [further revisions](#) to the Attorney General's CCPA regulations on March 15, 2021. The revisions went into effect upon approval. In substance, the revisions are identical to the fourth set of modifications the Attorney General proposed on December 10, 2020, and make the following changes:

- (1) **Notice for Sale of PI Collected Offline:** Businesses that sell personal information collected offline must provide an offline notice by means such as providing paper copies or posting signs in a store, or giving an oral notice if collecting personal information over the phone.
- (2) **Opt-Out Icon:** The revised regulations provide that businesses may use an opt-out icon in addition to, but not in lieu of, notice of a right to opt out or a "Do Not Sell My Personal Information" link.
- (3) **Do Not Sell Requests:** A "Do Not Sell" request must "be easy for consumers to execute and shall require minimal steps to allow the consumer to opt-out." The change prohibits businesses from using any method that is designed to or would have the effect of preventing a consumer from opting out. The revised regulation offers examples of prohibited opt-out practices, which include requiring a consumer to: (A) complete more steps to opt out than to re-opt in after a consumer had previously opted out; (B) provide personal information that is not necessary to implement the opt-out request; and (C) read through a list of reasons why he or she shouldn't opt out before confirming the request.
- (4) **Consumer Requests from Authorized Agents:** A business may now require an authorized agent who submits a request to know or delete to provide proof that the consumer gave the agent signed permission to submit a request. The regulations also preserve the options business previously had of requiring the consumer to verify their identity directly to the business or directly confirming that they provided the authorized agent permission to submit the request.
- (5) **Children's Information:** The addition of the word "or" in section 999.332 requires businesses that sell personal information of children under the age of 13 "and/or" between the ages of 13 and 15 to describe in their privacy policies how to make an opt-in to sale requests.

We will continue to monitor closely further developments in CCPA regulations.

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