

CCPA Update: Employee Exemption Bill Amended in Senate Committee

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California legislators are tweaking language in a proposal to exclude employee or job applicant data from the State's landmark privacy law slated to take effect in January.

The California Consumer Privacy Act (CCPA) grants consumers the right to access, delete, or opt out of the sale of their personal information collected by a covered business. The closely watched bill, A.B. 25, provides an exemption for employers who might receive access, deletion, or opt-out requests from their employees.

An earlier version of the bill passed the California Assembly by a vote of 77-0 on May 29, 2019. The proposal introduced on Friday uses clearer language to explicitly exempt from the purview of the CCPA any personal information that a business collects about a job applicant to, employee of, owner of, director of, officer of, medical staff member of, or contractor of that business.

The exemption only applies when the personal information is used within the context of the person's role or former role with the business.

The new amendment also excludes emergency contact information and personal information collected to administer HR benefits.

Importantly, the new exemption language will not apply to the CCPA's rules on data breaches. That means that an employer could still be on the hook for statutory or actual damages per data incident impacting their current or former employees as well as job applicants.

With two weeks to go before July 12th, the final day for California policy committees to report bills, the amended language must still satisfy the full California Senate Judiciary Committee before it can head to the Senate floor for a vote.