

CPRA Update: California Legislature Makes Technical Changes to CPRA

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Last week, California's Governor Gavin Newsom signed into law [AB 694](#), which makes a few technical changes to the California Privacy Rights Act (CPRA). The relevant changes to the CPRA are summarized below.

- As defined in the CPRA, "personal information" does not include publicly available information or lawfully obtained, truthful information that is a matter of public concern. The bill modifies the definition of "publicly available" by removing the apparently superfluous language "or by the consumer." The change to the definition in the CPRA is as follows:
 - "[P]ublicly available" means: information . . . lawfully made available . . . or information that a business has a reasonable basis to believe is lawfully made available to the general public by the consumer or from widely distributed media, or by the consumer; or information made available by a person to whom the consumer has disclosed the information if the consumer has not restricted the information to a specific audience."
- The bill changes when the California Privacy Protection Agency will assume responsibility for rulemaking from the "earlier" to the "later" of two dates: July 1, 2021 or six months after the Agency provides notice to the Attorney General that it is prepared to begin rulemaking. The change in the CPRA is as follows:
 - "The agency shall perform the following functions: . . . (b) On and after the earlier **later** of July 1, 2021, or within six months of the agency providing the Attorney General with notice that it is prepared to assume rulemaking responsibilities under this title, adopt, amend, and rescind regulations pursuant to Section 1798.185 to carry out the purposes and provisions of the California Consumer Privacy Act of 2018"
- The bill also adds an exemption to the consumer's right to opt out of the sale of their personal information by a third party. A consumer cannot opt out when the information pertains to "vessel information" and ownership information shared between a "vessel dealer" and a manufacturer, if such information is shared for certain purposes. The bill adds definitions for the terms "vessel information" and "vessel dealer."

We will continue to monitor and report on CPRA developments as they occur.

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