

Introduced by Senator BeckerFebruary 13, 2025

An act to amend Section 1798.99.82 of the Civil Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 361, as introduced, Becker. Data broker registration: data collection.

The California Consumer Privacy Act of 2018 (CCPA) grants a consumer various rights with respect to personal information that is collected or sold by a business, including the right to request that a business disclose specified information that has been collected about the consumer, to request that a business delete personal information about the consumer that the business has collected from the consumer, and to direct a business not to sell or share the consumer's personal information, as specified. The CCPA defines various terms for these purposes. The California Privacy Rights Act of 2020 (CPRA), approved by the voters as Proposition 24 at the November 3, 2020, statewide general election, amended, added to, and reenacted the CCPA and establishes the California Privacy Protection Agency (agency) and vests the agency with full administrative power, authority, and jurisdiction to enforce the CCPA.

Existing law requires a data broker to register with the agency, and defines "data broker" to mean a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship, subject to specified exceptions. Existing law requires a data broker, in registering with the agency, to pay a registration fee in an amount determined by the agency and provide specified information, including, among other things, the

name of the data broker and its primary physical, email, and internet website addresses, and whether the data broker collects the personal information of minors, consumers' precise geolocation, or consumers' reproductive health care data.

This bill would require a data broker to provide additional information to the agency, including whether the data broker collects consumers' login or account information, various government identification numbers, citizenship data, union membership status, sexual orientation status, and biometric data.

This bill would declare that it furthers the purposes and intent of the CPRA for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1798.99.82 of the Civil Code is amended
2 to read:
3 1798.99.82. (a) On or before January 31 following each year
4 in which a business meets the definition of data broker as provided
5 in this title, the business shall register with the California Privacy
6 Protection Agency pursuant to the requirements of this section.
7 (b) In registering with the California Privacy Protection Agency,
8 as described in subdivision (a), a data broker shall do all of the
9 following:
10 (1) Pay a registration fee in an amount determined by the
11 California Privacy Protection Agency, not to exceed the reasonable
12 costs of establishing and maintaining the informational internet
13 website described in Section 1798.99.84 and the reasonable costs
14 of establishing, maintaining, and providing access to the accessible
15 deletion mechanism described in Section 1798.99.86. Registration
16 fees shall be deposited in the Data Brokers' Registry Fund, created
17 within the State Treasury pursuant to Section 1798.99.81, and used
18 for the purposes outlined in this paragraph.
19 (2) Provide the following information:
20 (A) The name of the data broker and its primary physical, email,
21 and internet website addresses.
22 (B) The metrics compiled pursuant to paragraphs (1) and (2) of
23 subdivision (a) of Section 1798.99.85.

1 (C) Whether the data broker collects the personal information
2 of minors.

3 (D) *Whether the data broker collects consumers' account login*
4 *or account number in combination with any required security code,*
5 *access code, or password that would permit access to a consumer's*
6 *account with a third party.*

7 (E) *Whether the data broker collects consumers' drivers' license*
8 *number, California identification card number, tax identification*
9 *number, social security number, passport number, military*
10 *identification number, or other unique identification number issued*
11 *on a government document commonly used to verify the identity*
12 *of a specific individual.*

13 (F) *Whether the data broker collects consumers' citizenship*
14 *data, including immigration status.*

15 (G) *Whether the data broker collects consumers' union*
16 *membership status.*

17 (H) *Whether the data broker collects consumers' sexual*
18 *orientation status.*

19 (I) *Whether the data broker collects consumers' biometric data.*

20 ~~(D)~~

21 (J) Whether the data broker collects consumers' precise
22 geolocation.

23 ~~(E)~~

24 (K) Whether the data broker collects consumers' reproductive
25 health care data.

26 ~~(F)~~

27 (L) Beginning January 1, 2029, whether the data broker has
28 undergone an audit as described in subdivision (e) of Section
29 1798.99.86, and, if so, the most recent year that the data broker
30 has submitted a report resulting from the audit and any related
31 materials to the California Privacy Protection Agency.

32 ~~(G)~~

33 (M) A link to a page on the data broker's internet website that
34 does both of the following:

35 (i) Details how consumers may exercise their privacy rights by
36 doing all of the following:

37 (I) Deleting personal information, as described in Section
38 1798.105.

39 (II) Correcting inaccurate personal information, as described in
40 Section 1798.106.

1 (III) Learning what personal information is being collected and
2 how to access that personal information, as described in Section
3 1798.110.

4 (IV) Learning what personal information is being sold or shared
5 and to whom, as described in Section 1798.115.

6 (V) Learning how to opt out of the sale or sharing of personal
7 information, as described in Section 1798.120.

8 (VI) Learning how to limit the use and disclosure of sensitive
9 personal information, as described in Section 1798.121.

10 (ii) Does not make use of any dark patterns.

11 ~~(H)~~

12 (N) Whether and to what extent the data broker or any of its
13 subsidiaries is regulated by any of the following:

14 (i) The federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681
15 et seq.).

16 (ii) The Gramm-Leach-Bliley Act (Public Law 106-102) and
17 implementing regulations.

18 (iii) The Insurance Information and Privacy Protection Act
19 (Article 6.6 (commencing with Section 791) of Chapter 1 of Part
20 2 of Division 1 of the Insurance Code).

21 (iv) The Confidentiality of Medical Information Act (Part 2.6
22 (commencing with Section 56) of Division 1) or the privacy,
23 security, and breach notification rules issued by the United States
24 Department of Health and Human Services, Parts 160 and 164 of
25 Title 45 of the Code of Federal Regulations, established pursuant
26 to the federal Health Insurance Portability and Accountability Act
27 of 1996 (Public Law 104-191).

28 ~~(H)~~

29 (O) Any additional information or explanation the data broker
30 chooses to provide concerning its data collection practices.

31 (c) A data broker that fails to register as required by this section
32 is liable for administrative fines and costs in an administrative
33 action brought by the California Privacy Protection Agency as
34 follows:

35 (1) An administrative fine of two hundred dollars (\$200) for
36 each day the data broker fails to register as required by this section.

37 (2) An amount equal to the fees that were due during the period
38 it failed to register.

1 (3) Expenses incurred by the California Privacy Protection
2 Agency in the investigation and administration of the action as the
3 court deems appropriate.

4 (d) A data broker required to register under this title that fails
5 to comply with the requirements of Section 1798.99.86 is liable
6 for administrative fines and costs in an administrative action
7 brought by the California Privacy Protection Agency as follows:

8 (1) An administrative fine of two hundred dollars (\$200) for
9 each deletion request for each day the data broker fails to delete
10 information as required by Section 1798.99.86.

11 (2) Reasonable expenses incurred by the California Privacy
12 Protection Agency in the investigation and administration of the
13 action.

14 (e) Any penalties, fines, fees, and expenses recovered in an
15 action prosecuted under subdivision (c) or (d) shall be deposited
16 in the Data Brokers' Registry Fund, created within the State
17 Treasury pursuant to Section 1798.99.81, with the intent that they
18 be used to fully offset costs incurred by the state courts and the
19 California Privacy Protection Agency in connection with this title.

20 SEC. 2. The Legislature finds and declares that this act
21 advances the purposes and intent of the California Privacy Rights
22 Act of 2020 by strengthening the constitutional right to privacy
23 and safeguarding consumers' rights. To achieve this, the act
24 expands disclosure requirements for data brokers, thereby
25 enhancing transparency for consumers.