

AMENDED IN SENATE MARCH 24, 2025

**SENATE BILL**

**No. 361**

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**Introduced by Senator Becker**

February 13, 2025

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

LEGISLATIVE COUNSEL'S DIGEST

SB 361, as amended, 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, *gender identity and gender expression data*, 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' gender identity*  
20 *and gender expression data.*

21 ~~(I)~~

22 (J) Whether the data broker collects consumers' biometric data.

23 ~~(J)~~

24 (K) Whether the data broker collects consumers' precise  
25 geolocation.

26 ~~(K)~~

27 (L) Whether the data broker collects consumers' reproductive  
28 health care data.

29 ~~(L)~~

30 (M) Beginning January 1, 2029, whether the data broker has  
31 undergone an audit as described in subdivision (e) of Section  
32 1798.99.86, and, if so, the most recent year that the data broker  
33 has submitted a report resulting from the audit and any related  
34 materials to the California Privacy Protection Agency.

35 ~~(M)~~

36 (N) A link to a page on the data broker's internet website that  
37 does both of the following:

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

- 1 (I) Deleting personal information, as described in Section  
2 1798.105.
- 3 (II) Correcting inaccurate personal information, as described in  
4 Section 1798.106.
- 5 (III) Learning what personal information is being collected and  
6 how to access that personal information, as described in Section  
7 1798.110.
- 8 (IV) Learning what personal information is being sold or shared  
9 and to whom, as described in Section 1798.115.
- 10 (V) Learning how to opt out of the sale or sharing of personal  
11 information, as described in Section 1798.120.
- 12 (VI) Learning how to limit the use and disclosure of sensitive  
13 personal information, as described in Section 1798.121.
- 14 (ii) Does not make use of any dark patterns.
- 15 ~~(N)~~
- 16 (O) Whether and to what extent the data broker or any of its  
17 subsidiaries is regulated by any of the following:
- 18 (i) The federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681  
19 et seq.).
- 20 (ii) The Gramm-Leach-Bliley Act (Public Law 106-102) and  
21 implementing regulations.
- 22 (iii) The Insurance Information and Privacy Protection Act  
23 (Article 6.6 (commencing with Section 791) of Chapter 1 of Part  
24 2 of Division 1 of the Insurance Code).
- 25 (iv) The Confidentiality of Medical Information Act (Part 2.6  
26 (commencing with Section 56) of Division 1) or the privacy,  
27 security, and breach notification rules issued by the United States  
28 Department of Health and Human Services, Parts 160 and 164 of  
29 Title 45 of the Code of Federal Regulations, established pursuant  
30 to the federal Health Insurance Portability and Accountability Act  
31 of 1996 (Public Law 104-191).
- 32 ~~(Θ)~~
- 33 (P) Any additional information or explanation the data broker  
34 chooses to provide concerning its data collection practices.
- 35 (c) A data broker that fails to register as required by this section  
36 is liable for administrative fines and costs in an administrative  
37 action brought by the California Privacy Protection Agency as  
38 follows:
- 39 (1) An administrative fine of two hundred dollars (\$200) for  
40 each day the data broker fails to register as required by this section.

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

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

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

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

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

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

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