

# Morrison & Foerster Client Alert.

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## California Attorney General Creates Privacy Enforcement and Protection Unit; Increased Enforcement Likely

By **D. Reed Freeman, Jr. and Nicholas A. Datlowe**

On July 19<sup>th</sup>, California Attorney General Kamala D. Harris announced the formation of a new Privacy Enforcement and Protection Unit within the state's Department of Justice. The move is widely seen as a means of stepping up the state's enforcement activities involving privacy issues.

The Privacy Enforcement and Protection Unit will be organized under the state's new eCrime Unit, which was formed in August, 2011 and will centralize a number of existing California Justice Department programs intended to enforce privacy laws, combat identity theft, educate consumers, and create partnerships with private industry under one umbrella. The new unit's mission is broad: it will enforce federal and state laws regulating the collection, retention, disclosure, and destruction of private or sensitive information by individuals, organizations and the government. In addition to traditional online privacy, the unit's mandate covers health privacy, financial privacy, identity theft, government records, and data breach laws. The unit will be staffed by California Department of Justice Employees, including six dedicated prosecutors.

Harris has made online privacy protection a major focus of her administration, and the creation of the new Privacy Enforcement and Protection and eCrime Units are just two of her initiatives aimed at fighting online crime and protecting consumer privacy. In February of this year, Harris also secured an agreement between her office and the six major platforms for distributing and selling mobile applications. The agreement is designed to ensure that mobile and social apps comply with the California Online Privacy Protection Act, which requires operators of commercial websites and online services that collect personally identifiable information about Californians to conspicuously post a privacy policy. Facebook signed onto the agreement, called a "Joint Statement of Principles" in June, adding the primary platform for social applications to the agreement.

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