

ALERT

March 2021

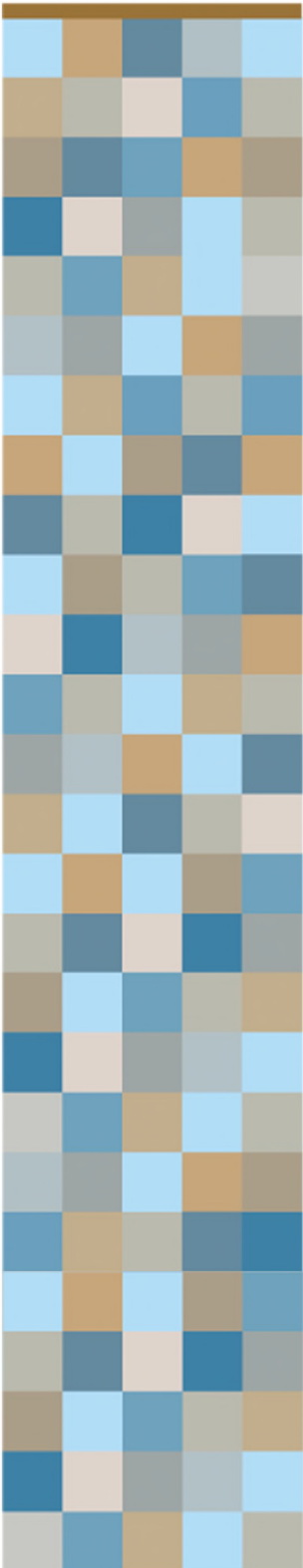
California AG Approves Additional Regulations Under The CCPA

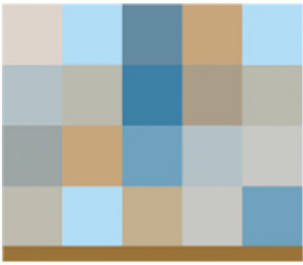
By: **Terese L. Arent**

On March 15, 2021, the California Attorney General announced the approval of additional regulations to the California Consumer Privacy Act of 2018 (the "CCPA"). The CCPA grants California consumers the right to know, the right to delete and the right to opt-out of the sale of the personal information collected by businesses. In particular, the new regulations ban so-called "dark patterns" that delay or obscure the process for opting out of the sale of personal information.

Specifically, the new regulations:

- prohibit companies from burdening consumers with confusing language or unnecessary steps such as forcing them to click through multiple screens or listen to reasons why they should not opt out. A business's methods for submitting requests to opt-out must be easy for consumers to execute and require minimal steps to allow the consumer to opt-out. It may not require the consumer to provide personal information that is not necessary to implement the request. Upon clicking the "Do Not Sell My Personal Information" link, the business shall not require the consumer to search or scroll through the text of a privacy policy or similar document or webpage to locate the mechanism for submitting a request to opt out.
- provide businesses with an optional Privacy Options icon, which may be used in addition to posting the notice of right to opt-out, but not in lieu of any requirement to post the notice or a "Do Not Sell My Personal Information" link as required by the CCPA and existing regulations.
- require businesses that sell personal information that was collected in the course of offline interactions with consumers to also inform consumers by an offline method of their right to opt out and provide instructions on how to submit such a request (for example, if selling personal information collected from consumers in a brick-and-mortar store, the business may inform consumers of their right to opt-out on the paper forms that collect the personal information or by posting signage in the area where the personal information is collected directing consumers to where the opt-out information can be found online).





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Terese Arenth is a Partner with the firm and serves as Chair of its Promotional Marketing and Advertising Practice Group, as well as Co-Chair of its Cybersecurity, Privacy and Technology Practice Group, both of which are within the firm's Intellectual Property Department. Ms. Arenth concentrates her practice in promotional marketing, advertising and Internet/new media, as well as privacy and technology related matters. She also has significant involvement in the firm's intellectual property practice area and vast experience in commercial and corporate litigation.

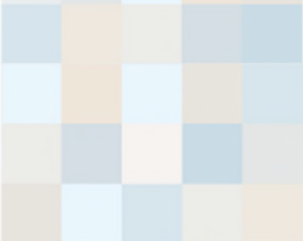
- clarify the proof that a business may require an authorized agent to provide to prove that the consumer gave the agent signed permission to submit a request to know or request to delete, and what the business may require of a consumer to verify their request.

If you have any questions regarding how to navigate the CCPA regulatory requirements, please feel free to contact Terese Arenth at tarenth@moritthock.com or (516) 880-7235.



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