



California Consumer Privacy Act of 2018

California Consumer Privacy Act (CCPA) FAQ

Dun & Bradstreet is deeply committed to complying with all applicable privacy laws and regulations. To that end, we are moving forward with our internal preparations for compliance with the California Consumer Privacy Act. Please see below for some informational materials on the CCPA and how it might affect Dun & Bradstreet and change the data privacy compliance landscape in the United States. These informational materials are intended for both internal and external use.

What is the CCPA? The CCPA¹ stands for The California Consumer Privacy Act and was passed by the California legislature at the end of June, 2018. The CCPA will give California consumers (defined as any resident of California) certain rights over their personal information. Due to the difficulty of separating out California residents from those in the rest of the country, the practical impact of the CCPA may, for all practical purposes, have a national impact (including multi-nationals).

When will this law go into effect? The 2018 law was intended to go into effect on January 1, 2020. However, the CCPA was amended to delay enforcement until the earlier of July 1, 2020 or six months after the issuance of the final regulations from the California Attorney General. This gap is intended to give all companies covered by the law an opportunity to implement an internal compliance program. There may be additional changes or amendments before the law goes into effect, and there will be opportunities for modifications to the law and regulation over the coming year. Dun & Bradstreet will continue to align our compliance as changes occur.

Does the CCPA apply to Dun & Bradstreet? Yes, to the extent we collect or sell personal information related to California consumers. Under the CCPA, California consumers are defined broadly, as any

¹ The full text of the current version of the CCPA may be found at:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB375

resident of California. Our main focus is to provide commercial data on business entities. However, business related personal information may be found in our products.

Who is covered? The CCPA defines “consumer” as a California resident. That would include consumers as traditionally defined (people purchasing goods and services for personal, household and family use) but also includes individuals acting in their business capacity (so sole proprietorships, and officers, directors and shareholders) and employees.

Is this the same thing as the General Data Protection Regulation (“GDPR”) that recently went into effect in the European Union? The CCPA has been compared to, and was partially modelled after, the GDPR but it is not the same. There are some significant differences in coverage and the nature of the rights created. For example, the CCPA has added the right to Opt-out of a Sale and the CCPA’s definition of “publicly available” data is far narrower than that of the GDPR, including only information lawfully made available from federal, state, or local government records and used for the same purpose.

Does this law only apply to personal information of California residents? Yes. However, as previously mentioned, due to the difficulty of separating out California consumers from those in the rest of the country, the practical impact of the CCPA may have a national impact.

What kinds of personal information is covered? The CCPA defines personal information very broadly. Any information that identifies, relates to, describes, is capable of being associated or could be reasonably linked, directly or indirectly, with a particular consumer or household, is covered. It does not include “publicly available” information but the CCPA has a very narrow definition of “publicly available” information.

How does the CCPA define “publicly available” information?

The CCPA defines “publicly available” information as information lawfully made available from federal, state, or local government records, if that data is used for a purpose that is compatible with the purpose for which the data is maintained and made available in the government records or for which it is publicly maintained. As the statute is currently written, this definition is quite narrow.

What needs to be done? Under the CCPA, California consumers will have 5 new rights:

1. **Right to know/obligation to disclose:** First is the obligation to inform California consumers, at or before the time of collection of personal information, of the categories of personal information to be collected and the purposes for which the categories of personal information shall be used. Second, if requested by a consumer, a company must disclose:
 - The categories of personal information it holds on the California consumer
 - The categories of sources from which this personal information was collected
 - The purposes for collecting or selling personal information
 - The categories of third parties to whom personal information was disclosed/sold
2. **Right of access:** Upon request, a company must provide a copy of the information collected about the requesting California consumer in the last 12 months.
3. **Right of deletion:** California consumers may request the deletion of any information collected from them. There are some limited exceptions to this right.
4. **Right to opt-out of a sale:** California have the right to opt-out of a sale of their personal information to third parties.

5. Right not to be discriminated against based on privacy choices made.

Additional details on these rights are provided below.

1. The Right to Know

What is needed to fully inform consumers of their Right to Know?

Per the CCPA, at or before the point of collection of personal information, consumers have the right to know the following:

- A description of a California consumer's rights as well as the mechanism via which a California consumer may submit requests
- the categories of personal information that will be collected and the purposes for which such personal information will be used. Any additional use or collection of new data elements requires additional notice.
- Privacy Notices must be updated at least every 12 months

Additionally, the CCPA states that the consumer also has the right to request that business who collect personal information about the California consumer disclose to the consumer the following:

- The categories of personal information *already collected* about California consumers in the preceding 12 months
- Categories of personal information that have been sold about California consumers in the preceding 12 months
- Categories of personal information that have been disclosed about California consumer for a business purpose in the preceding 12 months

2. The Right to Access

What is needed to fulfil a verifiable access request? Based on CCPA, upon California consumer request, consumers must be provided with information on the following:

- Categories and specific pieces of personal information being collected about the California consumer
- Categories of sources from which the personal information was collected
- Business or commercial purposes for the collection or sale of personal information
- Categories of third parties with whom personal information has been shared

3. The Right of Deletion

What is needed to fulfil a verifiable request for deletion? According to the CCPA, upon consumer request any personal information, collected from the California consumer, must be deleted and service providers must also be directed to delete the consumer's personal information from their records.

What if the personal information was collected from sources other than the consumer? Based on the language of the statute as currently written, there is no obligation to delete information

acquired from sources other than the consumer. However, such information does need to be disclosed to satisfy access and disclosure requests.

Are there any other exceptions to the deletion requirement? Based on CCPA, personal information may be stored following a verifiable deletion request if it is being used purely internally and, among other things is needed to:

- Complete a transaction for which the personal information was collected or provide a good or service requested by consumer
- Detect security incidents, protect against malicious, deceptive, fraudulent or illegal activity
- Comply with a legal obligation

4. The Right to Opt-out of a Sale:

What is required to fulfill obligations and offer California residents the right to Opt-out of a sale of their personal information? Under the CCPA, there is a requirement to provide the option to opt-out of collection of the sale of personal information wherever personal information is collected from California consumers. The opt-out mechanism must be in the form of a clear and conspicuous link in the Privacy Notice labelled “Do Not Sell My Personal Information”. This link should direct users to an opt-out page.

What constitutes “selling” of personal information? The CCPA defines “selling” broadly, to include renting, releasing, disclosing, disseminating, making available, transferring, etc. to another business or a third party for monetary or other valuable consideration.

Can Personal Information ever be sold after someone has opted out? Under the CCPA, it is necessary to wait at least 12 months, after which time opt-in consent may be requested. Opt-in consent is always required to sell the information of someone who has previous opted out.

Are there any exception to the opt-out of sale requirement? According to the CCPA, no.

5. The Right not to be Discriminated Against

What must be done to fulfil this right? Under the CCPA, businesses may not discriminate against those who have elected to exercise their rights under the CCPA. This right should be fulfilled automatically without any request from a California consumer. It is not permitted to discriminate in any way against a California consumer for exercising their rights under the CCPA.

Are there any exceptions to this requirement? Per the CCPA, a business may offer financial incentives for the collection and sale of personal information. Financial incentives are only permitted with prior, opt-in consent and the consent may be revoked at any time. Furthermore, the incentives must not be “unjust, unreasonable, coercive, or usurious in nature.”

Generally, what needs to be done to fulfill a request to exercise these rights?

With respect to requests for information and/or deletion, under the CCPA, a company must:

- make available to California consumers two or more designated methods for submitting requests for information including, at a minimum, a toll-free telephone number, and if the business maintains an Internet Web site, a Web site address.
- if a California consumer makes a verifiable request to exercise their rights, that request must be fulfilled within 45 days, free of charge.

We have 45 days to respond from the time of a verifiable request, does that mean the clock starts running when we verify the request? Under the CCPA, the clock starts running from the day the request is received. Over those 45 days the request must be promptly verified, and a response must be provided. If a response cannot be provided within the 45 day timeframe, the response time may be extended for an additional 90 days if necessary, taking into account the complexity and number of the requests. *However,*

1. Within the first 45 days, the consumer must be informed that an extension will be required.
2. A justification must be provided for why the extension is required. An extension is permissible only where “reasonably necessary”.

What if the identity of the requestor cannot be verified? Under the CCPA, verified means that it is possible to reasonably verify that the person making the request is the person whose personal information is being held by the company. If the identity of the requesting party cannot be verified, there is no verifiable request and there is no obligation to provide a response. This is done to ensure the safety, security and privacy of all individual(s) information.

How should these responses be sent to the California consumer? Under the CCPA, the personal information may be delivered by mail or electronically. If the information is provided electronically, it should be in a portable and readily usable and transferable format.

How often can the consumer make these requests? According to the CCPA, at the most, two requests in a 12 month period.

Are there any additional rights under the CCPA? The CCPA also gives California consumers a right of action if their nonencrypted, nonredacted personally identifiable information is subject to an unauthorized access and exfiltration, theft, or disclosure as a result a violation of the duty to implement and maintain reasonable security procedures and practices appropriate to the nature of the information.