

# Digital Content Next

Legal and Legislative Committee  
March 12, 2019

## Agenda

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### Review DCN Proposed CCPA Amendments

### **Clarify that contextual and 1st party behavioral ads may be served after a consumer opts out**

- Clarify that service providers can use data for debugging and security purposes

### **Remove “is capable of being associated with”**

- Definition should be focused only on data that is linked to individuals

### **Remove “household”**

- Not all households include related people
- A single household member shouldn't necessarily exercise control of data for all household members

### **Remove “inferences”**

- Could force companies to reveal proprietary algorithms

### **Remove “probabilistic identifiers”**

- Probabilistic identifiers are imprecise. Requiring that this data be disclosed to an individual could lead to businesses disclosing personal information to the wrong person

### **Insert “reasonableness” standard with regard to data portability**

- Businesses should be required to “take only reasonable steps” to make a consumer’s data portable
- Data portability is a new, burdensome requirement for businesses
- GDPR requires portability only “where technically feasible”
- Would remove perverse incentive to over-collect data

### Clarify “sale”

- As currently drafted, “sale” is an exchange for monetary consideration and valuable consideration
- “sale” should include exchange for monetary consideration AND narrow definition of “valuable consideration”

### **Exclude employees from the definition of “consumer”**

- CCPA not intended to give employees broad rights over data related to their employment



## Other Issues?

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