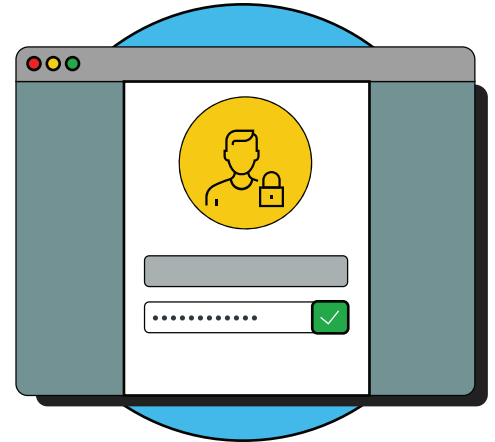


Ready or Not, CCPA is Here!

GumGum is ready, and we're sharing some of our implementation strategies.

What is the CCPA?

Coming on the heels of GDPR, in June 2018, the California Consumer Privacy Act or CCPA is a ground-breaking legislation intended to enhance the privacy rights and consumer protection for residents of California with respect to how their data is used, shared, and stored.



When Is the CCPA Effective?

The CCPA went into effect, January 1, 2020, but the California Attorney General has until July 1, 2020 to implement the regulations. The California Attorney General recently said “If they are not (operating properly) I will descend on them and make an example of them, to show that if you don't do it the right way, this is what is going to happen to you.”

How Can GumGum Support Your Compliance?

We rely heavily on our technology powered (Computer Vision + Natural Language Processing) contextual targeting capabilities to reach and engage users, making it a powerful and safe alternative to consumer data-based targeting tactics.

What Has GumGum Done to Be CCPA Compliant?

GumGum has taken the steps listed below to ensure we are meeting the CCPA privacy rules and restrictions. Visit gumgum.com/terms-and-policies to learn more.

The Roadmap to GumGum's CCPA Compliance

ASSESSMENT	<p>Initial steps included re-assessing our personal data inventory, performing a road mapping of the data we collect, identify with whom it's shared (clients, vendors, partners, etc.), and for how long it's stored. We reviewed and used our PbD methodologies and practices. We assessed if our data security methods are effective – i.e., solid authentication processes, encryption adoption, deletion processes established, and tracking capabilities to manage consumer requests, etc.</p>
POLICY DEVELOPMENT	<p>Well-defined privacy policies: Reviewed, assessed and validated that our privacy policy and consent notices, data security control procedures, data breach/incident response plan, BCPs, etc. - are up-to-date and refreshed to comply with CCPA requirements.</p>
IMPLEMENTATION	<p>We updated and posted our privacy policy and online terms, specifying consumer rights (access, deletion, opt-out rights, etc.), and updated all our operating agreements, including DPAs, and partner agreements. We posted the mandated "DNSMPI" button on our Homepage, registered as a data broker with the state of CA, and established the required toll-free number for consumers.</p>
EXECUTION	<p>Pulling it all together, we prepared internal and external communications (including scripts, one-sheets, briefs) to help teams navigate communications. We completed both department level and company-wide privacy/security training to make sure our employees were informed. Today, given the California Attorney General has until July 1, 2020 to finalize CCPA, we perform weekly check-ins with the Attorney General's website and other privacy experts for alerts so that we are ready to implement any mandated changes in a timely manner.</p>

What Else Should I Know? GDPR Compliance Does Not Equal CCPA Compliance

While CCPA is less restrictive in some ways than GDPR, below are some subtle differences between the two:

CCPA	REQUIREMENT	GDPR
Broader definition to include "households" and "devices"	Personal Information	Includes special categories as "personal data"
Broader regarding rights to access and deletion + "Opt-Out" requirement	Rights	Right to be forgotten is similar + "Opt-In" requirement
Specific requirements for disclosure	Disclosures	Less rigid
More restrictive and offers no rules for transfers outside the US	Data Sharing	Restrictions on data transfers outside of specific EU countries
<ul style="list-style-type: none"> ● \$2,500 (unintentional/violation) ● \$7,500 (intentional/violation) Consumer Right of Private Action: <ul style="list-style-type: none"> ● Damages: \$100 to \$750 per consumer, per incident (civil) ● PLUS, ability to independently sue the responsible party 	Fines and/or Damages	Two tiers of administrative fines: <ul style="list-style-type: none"> ● Up to €10million, or 2% of annual global turnover (whichever is greater); or ● Up to €20million or 4% annual global turnover (whichever is greater) Note: fines are discretionary, not mandatory and imposed on a case-by-case basis and should be "effective, proportionate and dissuasive".

Does CCPA Apply to My Company?

Companies will have obligations under CCPA if it does business in California AND checks ONE of these boxes:

Annual revenue of \$25M+	Collect data from 50k+ individuals annually	50%+ of annual revenue comes from selling Personal Information
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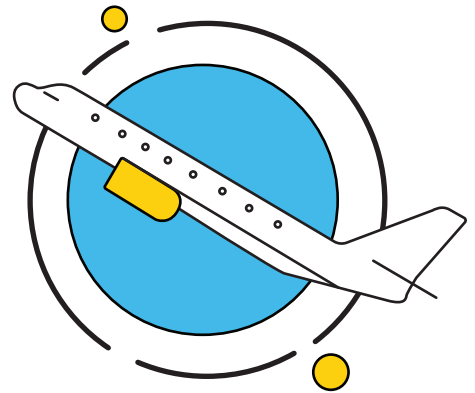
What Does CCPA Mean by “Sale” and What Constitutes the Selling of Data?

Many (including GumGum) have interpreted the “sale” of information to not necessarily mean a direct payment being involved. Instead, it means that there has been a “valuable and intentional exchange of a consumer’s personal information”. Think personal information, not money.

What Should Companies Do Now to Get Compliant with CCPA?

Buckle-up and prepare for takeoff!

First and foremost, you’ll want to get on board with developing and operationalizing your business mindset to be “Privacy Forward”. If you are GDPR compliant, you’re already on your way! However, you can’t be complacent or think that GDPR compliance will save you from any CCPA violations. We recommend you work with your legal team to do a refresh on your privacy program.



What’s Next?

Let’s Be Clear About How Unclear CCPA Still Is:

Where CCPA is considered to be a “less strict version” of GDPR, the CCPA is more confusing in that it provides defined terms which are more broadly interpreted. Combine this with the anticipated changes set to occur between now and July 1, 2020, there’s bound to be more confusion along with an expectation of judicious compliance and timely adoption.

The Future of Privacy

The first significant piece of federal privacy related legislation was introduced this past November (2019) by Senator Maria Cantwell, the Ranking Democrat on the Senate Commerce Committee. The biggest take-away from this proposed legislation isn’t about consumer rights, accountability or enforcement – though there are some requirements that are not ideal. The real issue is that the federal privacy related legislation is in draft form, which leaves companies to continue to navigate through current and upcoming state laws (imagine 50 different state laws!). Once passed, federal law will preempt all state laws, thus causing all companies to once again revamp their data privacy policies and procedures to comply with the federal law and likely state laws even still. And for good measure, let’s not forget this doesn’t include the numerous international privacy laws.