FSOR APPENDIX E: SUMMARY AND RESPONSE TO COMMENTS SUBMITTED DURING SECOND 15-DAY COMMENT PERIOD

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
ARTICLE 1. GENERAL PROVISIONS				
§ 999.301. Definitions				
- § 999.301(j)				
1.	Delete "related to" or replace with "as compensation for" because the requirement exceeds the authority granted by the CCPA, which addresses compensation for the sale or deletion of personal information. "Relating to" makes the definition overbroad and burdensome, potentially capturing situations where the information is collected for operational purposes (e.g., the delivery of a product purchased by a consumer because the consumer receives a benefit relating to the collection of personal information, which is necessary for delivery).	No change has been made in response to this comment. Civil Code § 1798.185(a)(6) provides the Attorney General with authority to "establish[] rules, procedures, and any exceptions necessary to ensure that the notices and information that businesses are required to provide … are provided in a manner that may be easily understood by the average consumer … including establishing rules and guidelines regarding financial incentive offerings," and Civil Code § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. As set forth in the FSOR, the phrase "as compensation for" was replaced with "related to" to be consistent with the definition of "price or service difference" set forth in § 999.301(o). Civil Code § 1798.125's prohibition on discrimination addresses both financial incentives and price or service differences and these regulations treat them comparably. See FSOR, § 999.301(j). This modification is necessary because financial incentives are a type of price or service difference. Financial incentives are not solely payments to consumers as compensation for certain actions related to their data; but rather, they "*includ[e]* payments to consumers." Civ. Code § 1798.125(b) (emphasis added). With regard to the comments' concern that "related to" makes the definition overbroad, the definitions of financial incentive and price or service difference must be read in context of the regulations and CCPA provisions regarding discrimination. See §§ 999.307, 999.336, 999.337; Civ. Code § 1798.125. To interpret the definition of financial incentive to include a situation where personal information is collected solely for the purpose of delivering a product would not make sense in this context because the regulations are implementing Civil Code § 1798.125, which prohibits discrimination because of the exercise of rights under the CCPA.	W311-1 W332-4 W343-4 W364-1 W345-1 W366-10 W367-2 W372-3	00021-00023 00182 00240 00394 00258 00428 00432-00433 00465-00466

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2.	Modify "related to" or replace with "as compensation for" because "related to" is against consumer's interests. This language will lead to more numerous and lengthy notices and will impact free services rely on consumer data.	No change has been made in response to this comment. As set forth in the FSOR, the phrase "as compensation for" was replaced with "related to" to be consistent with the definition of "price or service difference" set forth in § 999.301(o). FSOR, § 999.301(j). Civil Code § 1798.125's prohibition on discrimination and requirement for notice pertains to both financial incentives and price or service differences and these regulations treat them comparably. See FSOR, § 999.301(j). This modification is necessary because financial incentives are a type of price or service difference. Financial incentives are not solely payments to consumers as compensation for certain actions related to their data; but rather, they "*includ[e]* payments to consumers." Civ. Code § 1798.125(b) (emphasis added). The definitions of financial incentive and price or service difference should be read in context of the regulations and CCPA provisions regarding discrimination. *See* §§ 999.307, 999.336, 999.337; Civ. Code § 1798.125. To interpret the definition of financial incentive to include every situation where personal information is collected in order to carry out a transaction would not make sense in this context because the regulations are implementing Civil Code § 1798.125, which prohibits discrimination because of the exercise of rights under the CCPA. The modified definition will not result in more numerous or lengthy notices because the change in language simply makes consistent the definitions, and § 999.307(a)(1) already provides, "A business that does not offer a financial incentive or price or service difference related to the collection, retention, or sale of personal information is not required to provide a notice of financial incentive."	W311-1 W348-13 W367-2 W371-3	00021-00023 00306-00307 00432-00433 00453
3.	Delete "collection" because the requirement exceeds the authority granted by the CCPA.	No change has been made in response to this comment. Civil Code § 1798.185(a)(6) provides the Attorney General with authority to "establish[] rules, procedures, and any exceptions necessary to ensure that the notices and information that businesses are required to provide … are provided in a manner that may be easily understood by the average consumer … including establishing rules and guidelines regarding financial incentive offerings," and Civil Code § 1798.185(b)(2) provides the Attorney General with authority to adopt	W320-5 W348-12 W364-1	00067 00305-00306 00394

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		regulations as necessary to further the purposes of the CCPA. As set forth in the FSOR, the term "collection" was added to make the definition consistent with Civil Code § 1798.125(b)(1), which allows a business to offer a financial incentive to consumers (under specific conditions) for the collection of personal information. See FSOR, § 999.301(j).		
4.	Modify definition of "financial incentive" to 1) re-insert "disclosure," 2) re-insert "deletion," 3) delete "retention," or 4) include any business model which offers benefits to consumers in exchange for the business handling personal information in ways that exceed those strictly required for offering of a paid product or service. Comments claim the revision both narrows and broadens the definition, exceeding the authority granted by the CCPA.	No change has been made in response to this comment. Civil Code § 1798.185(a)(6) provides the Attorney General with authority to "establish[] rules, procedures, and any exceptions necessary to ensure that the notices and information that businesses are required to provide … are provided in a manner that may be easily understood by the average consumer … including establishing rules and guidelines regarding financial incentive offerings," and Civil Code § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. The regulations replaced "deletion" with "retention" to provide greater clarity on the activity for which a financial incentive is likely to be offered, such as a consumer forgoing the right to delete. See FSOR, 999.301(j). "Retention," as used here, is the opposite of what a business would do to incentivize a consumer to forego a request for "deletion" and is the correct word in this context. Use of the word "collection" rather than "disclosure" more closely aligns with the language and activities described in Civil Code § 1798.125(b), which discusses "financial incentives." The current definition thus aligns with the CCPA's description of which activities may constitute a "financial incentive" under Civil Code § 1798.125(b). The comment's alternative definition of financial incentive as "any business model which offers benefits to consumers in exchange for the business handling personal information in ways that exceed those strictly required for offering of a paid product or service" is inconsistent with the language, structure, and intent of the CCPA and does not describe the activities implicated by a financial incentive program with sufficient detail to provide meaningful guidance to businesses and consumers.	W342-1 W343-4 W364-1 W366-10	00233 00240 00394 00428

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5.	Delete "collection" and "retention" and replace with "use."	No change has been made in response to this comment. The comment does not provide any explanation as to why the modification is necessary. The proposed change would reduce the clarity of the regulations by using less specific terms and will make them more difficult for businesses to follow.	W371-3	00453
- **§ 999.301(o)**				
6.	Modify definition to remove "collection" because the requirement exceeds the authority granted by the CCPA.	No change has been made in response to this comment. Civil Code § 1798.185(a)(6) provides the Attorney General with authority to "establish[] rules, procedures, and any exceptions necessary to ensure that the notices and information that businesses are required to provide … are provided in a manner that may be easily understood by the average consumer … including establishing rules and guidelines regarding financial incentive offerings," and Civil Code § 1798.185(b)(2) provides the Attorney General with authority to adopt regulations as necessary to further the purposes of the CCPA. As set forth in the FSOR, the term "collection" was added for three reasons: 1) to make the definition consistent with Civil Code § 1798.125(b)(1), which allows a business to offer a financial incentive to consumers, under specific conditions, for the collection of personal information; 2) in response to concerns the definition was overbroad; and 3) to create parity with the definition of "financial incentives." See FSOR, § 999.301(o). Price or service differences and financial incentives are addressed in the same section of the CCPA and treated comparably under these regulations. The changes are necessary to clarify that the price or service differences covered by these regulations are only those related to activities that implicate consumers' rights under the CCPA.	W348-12	00305-00306
7.	Modify definition to narrow scope. Comments suggest alternatives such as specifying "price of service difference" does not include differences that are caused by a consumer's decision to not allow the collection or retention of personal information that is reasonably required for	No change has been made in response to this comment. As set forth in the FSOR, the modifications to § 999.301(o) were necessary to create parity with the definition of "financial incentive." Civil Code § 1798.125's prohibition on discrimination addresses both financial incentives and price or service differences and these regulations treat them comparably. See FSOR, § 999.301(j). The definitions of financial incentive and price or service difference must be read in context of	W311-1 W311-2	00021-00023 00021-00023

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	the provision of the good or service to the consumer. Comments claim current definition is against consumer interest because could lead to flood of notices.	the regulations and CCPA provisions regarding discrimination. *See* §§ 999.307, 999.336, 999.337; Civ. Code § 1798.125. To interpret the definition of price or service difference to include a situation where personal information is necessary solely for the operation of the good or service to the consumer would not make sense in this context because the regulations are implementing Civil Code § 1798.125, which prohibits discrimination because of the exercise of rights under the CCPA. Also, the modified definition will not result in more numerous or lengthy notices because the change in language simply makes consistent the definitions. Section 999.307(a)(1) already provides, "A business that does not offer a financial incentive or price or service difference related to the collection, retention, or sale of personal information is not required to provide a notice of financial incentive."		
8.	Modify definition to re-insert "disclosure" and "deletion" because it would require businesses to describe any disclosure or deletion of personal information in their privacy policy, but would not have a similar obligation if the disclosures or deletions are performed *quid pro quo* for price or service differences.	No change has been made in response to this comment. As explained in the FSOR, the phrase "related to the collection, retention, or sale of personal information" was added for three reasons: (1) to make the language used in the definition consistent with Civil Code § 1798.125(b)(1), which allows a business to offer a financial incentive to consumers, under specified conditions, for "the collection of personal information"; (2) in response to concerns that the initial proposed definition was overbroad; and (3) to create parity with the definition of "financial incentive." Price or service differences and financial incentives are addressed in the same section of the CCPA and treated comparably under these regulations. The changes are necessary to clarify that the price or service differences covered by these regulations are only those related to activities that implicate consumers' rights under the CCPA. The regulations replaced "deletion" with "retention" to provide greater clarity on the activity for which a financial incentive is likely to be offered, such as a consumer forgoing the right to delete. See FSOR, § 999.301(j). "Retention," as used here, is the opposite of what a business would do to incentivize a consumer to forego a request for "deletion" and is the correct word in this grammatical context. Use of the word	W342-2	00234

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		"collection" rather than "disclosure" more closely aligns with the language and activities described in Civil Code § 1798.125(b). The comment also appears to misunderstand the privacy policy disclosure requirements, which are set forth in § 999.308. Section 999.308 does not require the business to disclose information about their financial incentives; rather, § 999.307 requires that the material terms of a financial incentive or price or service difference be explained at their offering so that the consumer can make an informed decision on whether to participate. See Civ. Code § 1798.125(b)(3).		
§ 999.302. Guidance Regarding the Interpretation of CCPA Definitions [Deleted]				
9.	Restore deleted provision. The deleted language was helpful to businesses, provided clarity between personal information and deidentified information, resolved an ambiguity with the CCPA about IP addresses, and eased burdens on businesses. Comments also proposed various changes to the section, including clarifying or deleting language regarding the term "collect" and information that can be reasonably linked to particular consumer or household.	No change has been made in response to this comment. The OAG has deleted this provision to prioritize the implementation of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required on this issue.	W313-14 W314-1 W320-6 W321-4 W325-1 W328-8 W332-1 W332-2 W333-1 W335-2 W342-6 W343-2 W346-2 W347-2 W348-5 W352-3 W353-1 W354-2 W357-1 W364-2 W366-6 W367-3 W371-4	00043 00046 00067 00091-00092 00118-00119 00173 00181 00181-00182 00188-00189 00200-00201 00234 00239 00264-00265 00277-00278 00295-00296 00330 00332-00333 00337-00339 00352 00394 00425 00433 00453

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			W372-4	00466
10.	Deletion of provision created confusion. The OAG should provide further guidance on why provision was added and then deleted.	No change has been made in response to this comment. The OAG has deleted this provision to further develop and analyze this issue. See response #9.	W319-2 W324-1 W325-1 W335-2 W353-1 W367-3 W370-1	00064 00103 00118-00119 00200-00201 00332-00333 00433 00448
11.	Modify regulation to make clear that IP addresses are personal information.	No change has been made in response to this comment. The OAG has deleted the provision, and thus, this comment is now moot.	W339-1	00223-00225
12.	Supports the deletion of this provision.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W344-3	00251
ARTICLE 2. NOTICES TO CONSUMERS				
§ 999.305. Notice at Collection of Personal Information				
- § 999.305(d)				
13.	Supports the addition of the regulation exempting a business that does not collect personal information directly from consumers from the requirement to provide a notice at collection.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W319-4 W320-1	00064 00066
14.	Modify § 999.305(d) as follows: "A business that does not collect personal information directly from a consumer does not need to provide a notice at collection to the consumer if it ~~does not~~ neither sells, nor discloses nor in any other way benefits commercially from the consumer's personal information." Comment is based on concern that the existing language would not cover disclosure, licensure or controlled access to PI for commercial benefit.	No change has been made in response to this comment. Civil Code § 1798.140(t)'s definition of "sell" already includes language that "disclosing,…transferring, or otherwise communicating … a consumer's personal information… for monetary or other valuable consideration" constitutes a "sale." *See* Civ. Code § 1798.140(t)(1). Thus, it is not necessary to include the proposed language.	W342-7	00235

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15.	Modify § 999.305(d) as follows: "A business that does not collect personal information directly from a consumer does not need to provide a notice at collection to the consumer if its online privacy policy includes instructions on how a consumer can submit a request to opt-out ~~it does not sell the consumer's personal information~~." Current regulation does not address the situation of businesses that indirectly collect personal information of company owners and officers for the purpose of compiling reports used in the extension of credit to such companies. This type of business would not be in a position to issue notices to consumers at or before the time of collection.	No change has been made in response to this comment. The comment's proposed language is not as effective in carrying out the purpose and intent of the CCPA because Civil Code § 1798.100(b) requires businesses to, at or before the point of collection, inform consumers as to the categories of personal information to be collected and the purposes for which it will be used. Whether a business indirectly collects personal information for the purposes of compiling reports relating to the extension of credit for a business, rather than the consumer, is not relevant. Rather, the regulation's framework depends on whether the business is *selling* personal information about a consumer that it did not collect directly from the consumer. If not, the business need not post a notice at collection; if a business is selling this personal information, they can register as a data broker and comply with § 999.305(e). Thus, no further modification is necessary. To the extent that the comment claims that the regulations should exempt businesses that compile information bearing on a business's creditworthiness from complying with the notice at collection, this is not an enumerated exception within the CCPA. Cf. Civ. Code § 1798.145(d).	W366-3	00421-22
- § 999.305(e)				
16.	Modify provision exempting data brokers from providing notice of collection to limit it to registered data brokers that do not collect personal information directly from consumers. Current provision, along with § 999.305(d), inappropriately exempts data brokers that collect personal information directly from consumers from obligation to provide notice at collection.	No change has been made in response to this comment. The OAG disagrees with the comment's interpretation of the regulation. The definition of "data broker" in Civ. Code § 1798.99.80(d) is "a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship," with exceptions for certain entities subject to the Fair Credit Reporting Act, the Gramm-Leach-Bliley Act or the California Insurance Information and Privacy Protection Act. Thus, entities that collect personal information directly from consumers would not meet the definition requiring registration with the Attorney General and would not be subject to § 999.305(e). Nor would they be subject to § 999.305(d). Therefore, as businesses that that collect personal information directly from consumers, such entities would be required either to provide a notice at collection or to not sell	W360-3	00377, 00382

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		consumers' personal information. To the extent an entity may meet the definition of data broker in Civil Code § 1798.99.80(d) in some of its business dealings, but also collects personal information directly from a consumer in other business dealings, § 999.305(e) would only apply to consumer information collected indirectly and would not apply to consumer information the data broker collects directly from the consumer.		
17.	Delete provision or revert to the language in the first version of the regulations (requiring businesses that do not collect personal information directly from consumers to contact consumers directly to provide a notice at collection). Current provision is inconsistent with the CCPA, specifically with Civil Code §§ 1798.120(b) and 1798.115(d), both of which require businesses that sell consumers' personal information to provide notice. Provision also conflicts with § 999.306(e), which bars a business from selling personal information collected during the time it did not have an opt-out notice posted, unless it obtains a consumer's affirmative authorization.	No change has been made in response to this comment. The OAG disagrees with the comment's interpretation of the CCPA. This regulation is not inconsistent with the CCPA or the regulations because Civil Code §§ 1798.120(b) and 1798.115(d) and § 999.306(e) pertain to the notice of right to opt-out of sale, not the notice at collection. Accordingly, it is not necessary to modify this regulation.	W334-1	00195-00196
18.	Claims that the new regulations allow data brokers that collect information directly from consumers to avoid notifying them of the collection.	No change has been made in response to this comment. The comment misinterprets the regulation. Civil Code § 1798.99.80(d) defines "data broker" as "a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business ***does not have a direct relationship***." (emphasis added) If the business is collecting personal information directly from the consumer then they would not be a data broker.	W330-1	00176
- § 999.305(f)				
19.	Supports changes to requirement for notice at collection for employee-related information.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W319-5	00064

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§ 999.306. Notice of Right to Opt-Out of Sale of Personal Information				
- § 999.306(f) [Deleted]				
20.	Supports the deletion of § 999.306(f).	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the deletion of the section, so no further response is required.	W319-4 W323-6 W343-1	00064 00099 00238
21.	Add back this provision, but with modifications. Instead of using a single button or logo use a standardized graphic trigger that presents all relevant options, not just a binary opt-out choice.	No change has been made in response to this comment. The OAG has deleted this provision to prioritize the implementation of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required on this issue.	W326-1	00121-00127
22.	Suggests guidelines for how the OAG should develop and select an opt-out button.	No change has been made in response to this comment. The OAG has deleted this provision to prioritize the implementation of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required on this issue.	W339-2	00225-00226
§ 999.307. Notice of Financial Incentive				
23.	Supports clarification of notice requirements.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W352-2	00330
24.	Eliminate businesses' obligation to provide a good-faith estimate of value of the consumer's data that forms the basis for offering the financial incentive or price or service difference because estimates will be imprecise and will increase the length of any disclosure without providing additional benefits to consumers.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, the OAG considers the value of the consumer's data to be a material term of any financial incentive program because any financial incentive or price or service difference must be "reasonably related" to the value of the consumer's data. See Civ. Code § 1798.125(a) & (b); § 999.307(b). Businesses offering financial incentives must provide the consumer with "the material terms of the financial incentive program" before the consumer opts in to the financial incentive program under Civil Code § 1798.125(b)(3). Thus, businesses must provide consumers with a good-faith estimate of the value of their data before offering any financial incentive. The comment does not show why the good-faith estimate will be less helpful to consumers considering participation in a financial incentive program than no information at all about the value of their data. Nor do any comments explain why inclusion of the value of the	W310-3 W313-15 W328-6 W352-2 W366-9	00010 00043 00173 00330 00427-00428

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		consumer's data—a single number that is likely to be highly salient—will significantly increase the length of any disclosure or cause consumers to be less likely to benefit from the information contained therein.		
25.	Eliminate businesses' obligation to provide a good-faith estimate of the value of the consumer's data and a description of the method used to calculate that value because the description of the method or the value of the data is proprietary and/or a trade secret and therefore disclosure would cause competitive harm, constitute a taking, impose litigation risk, or violate the dormant commerce clause.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, the comment does not demonstrate that the method or the value of the consumer's data is a trade secret pursuant to Civil Code § 3426.1. The comment does not make either showing with respect to the value of the consumer's data or a description of the method to calculate it. Nor does the comment support its claim that disclosure of the method of calculation or the good-faith estimate of the value of the consumer's data would result in competitive harm. Thus, any potential competitive harm is speculative, and in any case, the potential for harm is further mitigated because all similarly situated competitors in California will be bound by the same disclosure requirements. The comment likewise does not show how the required disclosure could qualify as a regulatory taking or impose litigation risk. Civil Code § 1798.185(a)(3) provides the Attorney General with authority to "[e]stablish[] any exceptions necessary to comply with state or federal law, including, but not limited to, those relating to trade secrets and intellectual property rights[.]" However, even if the method or the value of a consumer's data, in certain fact-specific situations not addressed in the comment, could constitute a trade secret, neither federal nor state law provide absolute protection for trade secrets. *See, e.g.*, *Federal Open Market Committee of Federal Reserve System v. Merrill*, 443 U.S. 340, 362 (1979); *Davis v. Leal*, 43 F. Supp. 2d 1102, 1110 (E.D. Cal. 1999); *Raymond Handling Concepts Corp. v. Superior Court*, 39 Cal.App.4th 584, 590 (Cal. Ct. App. 1995). Instead, the interests in favor of protecting trade secrets must be weighed against the need for disclosure. *Id.* The comment has not suggested an alternative that would give greater protection to potential trade secrets while still providing consumers with the material terms of the financial incentive	W310-3	00010

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		program, including the value of the consumer's data. Nor has the comment specified what, if any, negative effects the regulation would have on interstate commerce such that they would violate the dormant commerce clause. The OAG has determined that a blanket exemption from disclosure for any information a business deems could be a trade secret would be overbroad and defeat the Legislature's purpose of protecting consumers' privacy and prevent discrimination against consumers who exercise their privacy rights.		
26.	Eliminate businesses' obligation to provide a good-faith estimate of the value of the consumer's data that forms the basis for offering the financial incentive or price or service difference because calculating such value will be burdensome to businesses.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, the OAG has made every effort to limit the burden of the regulations while implementing the CCPA. In order to minimize the burden on businesses, § 999.307(b) only requires "a good-faith estimate." The OAG considered requiring a specific calculation method, but in order to minimize the burden on businesses, the OAG provided several bases for businesses to choose from to establish a "reasonable and good faith method for calculating the value of the consumer's data," including "[a]ny other practical and reasonably reliable method of calculation used in good-faith." See § 999.337. Providing multiple flexible options, in the OAG's judgment, is the least burdensome means to ensure consumers receive notice of "the material terms of the financial incentive program," including the value of the consumer's data. See Civ. Code § 1798.125(a) & (b); § 999.307(b).	W310-3 W328-6 W332-3 W343-3 W352-2 W366-9 W371-6	00010 00173 00182 00239-00240 00330 00427-00428 00454
27.	Eliminate businesses' obligation to provide a good-faith estimate of value of the consumer's data that forms the basis for offering the financial incentive or price or service difference because the value of a consumer's data is often derived from the sale of advertising opportunities and is difficult to calculate, uncertain, may vary over time, or depend upon the specific services the consumer chooses.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, in drafting these regulations, the OAG has considered that precise calculations of the value of a consumer's data to the business may be difficult. For this reason, the regulations require only "a good-faith estimate." Specifically, § 999.337 provides several bases for businesses to consider in establishing a "reasonable and good faith method for calculating the value of the consumer's data," including "[a]ny other practical and reasonably reliable method of calculation used in good-faith." Civil Code § 1798.125(b)(3)	W313-15 W328-6 W332-3 W343-3 W366-9 W371-6	00043 00173 00182 00239-00240 00427-00428 00454

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		requires businesses offering financial incentives to provide the consumer with "the material terms of the financial incentive program." Because any financial incentive or price or service difference must be "reasonably related" to the value of the consumer's data, a business may only offer such an incentive or difference if the business is able to calculate an estimate of the value of the consumer's data. See Civil Code § 1798.125; § 999.336(a) & (b). For these reasons, the OAG considers the value of the consumer's data to be a material term of any financial incentive program. See Civ. Code § 1798.125(a) & (b); § 999.307(b).		
28.	Exempt compensated marketing research from the notice of financial incentive requirement or provide an alternative opt-in regime tailored to marketing research that compensates consumers for their participation.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, compensation for consumers' participation in marketing research does not fall within any enumerated financial incentive exception provided for by the CCPA. *See* Civ. Code §§ 1798.125, 1798.185. The comment does not provide sufficient specificity to the OAG to make any modifications to the text that would treat compensation for marketing research differently than other financial incentives while maintaining the integrity and general applicability of the regulations. The regulations are meant to be robust and applicable to many factual situations and across industries.	W324-5 W324-8 W324-9	00104 00108-00110 00115
§ 999.308. Privacy Policy				
- § 999.308(c)(1)				
29.	Modify the second sentence of § 999.308(c)(1)(e) so that it reads: "The categories shall be described in a manner that provides consumers a meaningful understanding of the ***sources from which the*** information is ~~being~~ collected." This makes clear that the provision does not require a description of the specific information collected from each category of source.	No change has been made in response to this comment. The provision is reasonably clear that the business need only identify the categories of sources from which the personal information is collected and that the categories be described in a manner that provides consumers a meaningful understanding.	W314-2 W343-5 W348-2 W366-11	00046-00047 00240-00241 00293 00428-00429

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30.	Delete § 999.308(c)(1)(e), (f), and (g) because: (1) they are onerous, potentially on small businesses; (2) they go beyond the CCPA's requirements; (3) they do not meaningfully improve consumer privacy because it adds complexity and sacrifices clarity, and (4) could be read to require disclosure of proprietary business information. One comment also raises the question of whether the business can use the information for other legitimate purposes that may not have been disclosed.	No change has been made in response to this comment. Civil Code § 1798.110(c)(2) and (3) require businesses to disclose in its privacy policy the categories of sources from which they collect the personal information and the business or commercial purpose for which they collect or sell personal information. The regulations implement what is required by the law and provides businesses guidance in one place regarding all the information that needs to be included in the privacy policy. The OAG cannot implement regulations that alter or amend a statute. Similarly, the purpose of disclosing and identifying the categories of personal information and the categories of third parties to whom the information was disclosed or sold, furthers the goal of the CCPA by informing the consumers about the personal information that is collected and for what purpose. As to the comment's concern regarding whether the business can use the information for other purposes that may not have been disclosed, § 999.305(a)(5) addresses the question within the context of the notice at collection. In general, businesses should avoid posting a privacy policy that is inconsistent or incomplete when compared to their notice on collection.	W320-7 W352-4 W355-3 W358-1	00067 00330 00343-00344 00357-00358
ARTICLE 3. BUSINESS PRACTICES FOR HANDLING CONSUMER REQUESTS				
§ 999.312. Methods for Submitting Requests to Know and Requests to Delete				
- § 999.312(d)				
31.	Supports the modification of this subsection making the two-step deletion request process optional, rather than mandatory.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W372-1	00465
§ 999.313. Responding to Requests to Know and Requests to Delete				
- § 999.313(c)				
32.	Comments propose clarifying that internally generated data and inferences are not "collected" personal information and thus do not need to be disclosed in response to a request to know.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period. Additionally, the proposed clarification is unnecessary and overly broad, and would exclude activities that the CCPA expressly includes. Civil Code § 1798.140(e) defines the term "collected" to include gathering, obtaining, or accessing any personal information pertaining to a consumer by any means, including receiving information from the consumer by observing the consumer's	W310-7 W347-4	00016-00017 00280-00282

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
		behavior. Civil Code § 1798.140(o)(1)(K) also defines the term "personal information" to include inferences "drawn from any of the information identified" in the definition to "create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes."		
33.	Comment proposes an exception from the CCPA's obligations if compliance would violate a business's intellectual property rights or result in the disclosure of trade secrets, such as the disclosure of internally generated data and inferences.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, the comment fails to show how an exemption for protection of intellectual property rights is necessary. Specifically, the comment fails to explain how a consumer's personal information collected by the business could be subject to the business's copyright, trademark, or patent rights, or how a business could possibly patent, trademark or copyright a consumer's personal information. Even if a consumer's personal information were subject to such rights held by the business, the comment does not explain how disclosure of the consumer's personal information *to the consumer* could conflict with or negatively affect the business's rights under federal or state copyright, patent or trademark law. The comment further fails to demonstrate that personal information collected by the business is a trade secret. Any potential competitive harm is speculative, and in any case, the potential for harm is further mitigated because all similarly situated competitors in California will be bound by the same disclosure requirements. Even if the consumer's personal information collected by the business, in certain fact-specific situations not addressed in the comments, could constitute a trade secret, neither federal nor state law provide absolute protection for trade secrets. See, *e.g.*, *Federal Open Market Committee of Federal Reserve System v. Merrill*, 443 U.S. 340, 362 (1979); *Davis v. Leal*, 43 F. Supp. 2d 1102, 1110 (E.D. Cal. 1999); *Raymond Handling Concepts Corp. v. Superior Court*, 39 Cal.App.4th 584, 590 (Cal. Ct. App. 1995). Instead, the interests in favor of protecting trade secrets must be weighed against the need for disclosure. *Id.* The comment has not suggested an alternative that	W347-4	00280-00282

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
		would give greater protection to potential trade secrets while still providing consumers with the access to their personal information as provided by the CCPA's right to know. Accordingly, the OAG has determined that a blanket exemption from disclosure for any information a business deems could be a trade secret or another form of intellectual property would be overbroad and defeat the Legislature's purpose of providing consumers with the right to know information businesses maintain about them.		
34.	Comments propose adding a new § 999.313(c)(12) that will not require businesses to produce substantially similar or duplicative pieces of personal information.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period. Civil Code § 1798.110(a)(5) and (b) require businesses to provide consumers with the categories of personal information it has collected about the consumers. Limiting the disclosures, vaguely, to those that are "substantially similar or duplicative" would thwart the goals of the CCPA and would allow the businesses to determine what is substantially similar or duplicative. Further, the OAG disagrees that the examples provided are substantially similar or duplicative pieces of personal information or that consumers will not be able to meaningfully discern the data provided by the business.	W343-6 W347-4 W348-4 W366-5 W371-9	00241 00280-00282 00295 00424-00425 00456-00457
35.	Comment is concerned with the increased requirements for disclosures of sources from which a business collects personal information or the need to identify business or commercial purposes for collecting and selling personal information, because internet advertising upon which small businesses rely will be degraded by these and other requirements.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, the comment does not provide sufficient specificity to the OAG to make any modifications of the text. It is unclear what "increased requirements" the comment references. If the comment refers to the revisions made to § 999.313(c)(10), these disclosures are required by the CCPA. See Civ. Code §§ 1798.110(c)(1)-(4), 1798.130(a)(3)(B), 1798.130(a)(4)(A)-(B), and 1798.130(a)(5)(C).	W352-4	00330
- **§ 999.313(c)(3)**				
36.	Comments propose restoring the original language in § 999.313(c)(3) (which allowed businesses to decline to provide a consumer specific pieces in information in response to a request to know if doing so would create a	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period. Additionally, as set forth in the FSOR, the OAG deleted the original language because it was unnecessary in light of other protections within the regulations that prevent the disclosure of	W312-4 W314-3 W321-3 W328-9 W332-5	00029-00030 00047-00048 00089-00091 00173 00182-00183

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
	substantial, articulable, and unreasonable security risk) and revising the conditions that must be met to exclude information from search requirements. Comments proposed allowing businesses to exclude information if they met any of the four conditions, rather than meeting all four conditions; requiring only some of the four conditions; and including other grounds for excluding information.	personal information to unauthorized parties. See FSOR, § 999.313(c)(3); see also FSOR, §§ 999.313(c)(4), (c)(6), (c)(7), 999.323, 999.324, 999.325, and 999.326. As explained in the FSOR, the regulation as revised balances the goals and purposes of the CCPA with the burden of searching unstructured data for a consumer's personal information. The exception is narrowly tailored to ensure that businesses do not abuse the exception to avoid their obligations under the CCPA.	W335-4 W343-7 W343-8 W346-3 W346-4 W347-3 W348-3 W366-4 W367-6 W367-9 W371-8 W372-5	00201-00202 00241 00242-00243 00265-00266 00266-00268 00278-00279 00293-00295 00422-00424 00434-00435 00436-00437 00454-00456 00466-00467
37.	Comment proposes replacing the language in § 999.313(c)(3)(d) (requiring a business to describe to the consumer the categories of records that may contain personal information that it did not search in response to the consumer's request to know) with a requirement that a business describe to the consumer the categories of information it collects.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period. Additionally, the comment's proposed change is not as effective in carrying out the purpose and intent of the CCPA and the regulation. As explained in the FSOR, this provision is necessary to balance the goals and purposes of the CCPA with the burden of searching for unstructured data for a consumer's personal information. See FSOR, § 999.313(c)(3). The purpose of § 999.313(c)(3)(d) is to inform the consumer that the business may have other personal information about them but to assure them that this information is only maintained by the business in an unsearchable or inaccessible format, solely for legal or compliance purposes, and is not being used for the business's commercial benefit. This furthers the CCPA's goals of providing transparency to consumers about their personal information. Describing the categories of information that the business collects would not meet this objective and would not be responsive to a consumer's request to know specific pieces of personal information pursuant to their rights under the CCPA.	W371-8	00454-00456
- § 999.313(c)(4)				
38.	Comments suggest deleting the insertion of the last two sentences because the new language: (1) is beyond the scope of the	No change has been made in response to this comment. Civil Code § 1798.110(a)(5), (b) requires a business to disclose to the consumer the specific pieces of personal information the business has collected	W320-8 W346-5 W367-8	00067 00268-00269 00436

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
	CCPA; (2) is counterintuitive to the requirement to not give out the specific pieces of data; (3) adds administrative burdens; (4) increases risk of fraudulent activities; and (5) is not justified as necessary.	about that consumer. The OAG has the authority to adopt regulations that establish "rules and procedures to further the purposes of [Civ. Code Section] 1798.110" and to further the purposes of the CCPA. Civ. Code § 1798.185(a)(7), (b). As explained in the FSOR, this language was added to ensure that consumers understood what information the business collected about them while at the same time protecting the consumer from the harm, and the business from the liability, of unauthorized disclosure. FSOR, § 999.313(c)(4). The OAG disagrees that this is counterintuitive to the requirement not to give out specific pieces of data or that it would add to administrative burdens. The business is already required to provide the consumer with the categories of personal information it has collected about the consumer and so the alleged additional work would be minimal. The OAG also disagrees that the language increases the risk of fraudulent activities because no specific pieces of information is disclosed, only that the business has this type of information, which a business already must disclose in its privacy policy. Civ. Code § 1798.130(a)(5)(B).		
39.	Comment reiterates prior concerns raised that § 999.313(c)(4) would deny consumers the right to know the information businesses have collected about them.	No change has been made in response to this comment. As previously stated, the comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA in that it places specific pieces of personal information at risk when a consumer should already know such information. The CCPA provides the Attorney General with the authority to adopt regulations as necessary to further the purposes of the CCPA. See Civ. Code § 1798.185(b)(2). For the reasons set forth in the ISOR, the OAG has determined that the provision balances the consumer's right to know with the harm that can result from the inappropriate disclosure of information. ISOR, p. 16. The provision makes clear the instances a business should not disclose personal information and thereby addresses public concern raised during the OAG's preliminary rulemaking. ISOR, p. 16. The provision also reduces the risk that a business will violate another privacy law, such as Civil Code § 1798.82, in the course of attempting to comply with the CCPA. ISOR, p. 16. The provision	W376-3	00480-00481

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
		reduces the risk that such personal information will be disclosed to an unauthorized party, even if helpful when disclosed to the consumer.		
40.	Comment suggests narrowing the definition of "biometric data" to that which can identify a person, or as that term is defined in Civil Code § 1798.81.5(d)(1)(A).	No change has been made in response to this comment. As explained in the FSOR, the language "unique biometric data generated from measurements or technical analysis of human characteristics" was added to conform the regulation with Civil Code sections 1798.81.5 and 1798.82, which was amended by AB 1130 to include that phrase. See FSOR, § 999.313(c)(4). The OAG purposefully used the language from Civil Code § 1798.82(h)(1)(F) because it is narrower than the term "biometric information," as defined in the Civil Code § 1798.140(b). In response to other comments, the regulation has been modified to clarify that a business shall inform the consumer with sufficient particularity that it has collected the type of information set forth in the regulation.	W313-8 W367-8	00039 00436
41.	This is a previously raised comment, which requested that § 999.313(c)(4) be supplemented with language to allow a business to refuse fulfilling a request to know if it the release of the information created a "substantial, articulable, and unreasonable risk to security of that personal information, the consumer's account with the business, or the security of the business's systems or networks."	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. As explained in the FSOR, the OAG deleted § 999.313(c)(3) because it was unnecessary in light of other protections within the regulations that prevent the disclosure of personal information to unauthorized parties. See FSOR, § 999.313(c)(3); see also FSOR, §§ 999.313(c)(4), (c)(6), (c)(7), 999.323, 999.324, 999.325, and 999.326. The regulations already address the concerns raised.	W327-2	00131-00135, 00137, 00143, 00151, 00155, 00157
- **§ 999.313(c)(5)**				
42.	Comment reiterates concerns about disclosing the reason why a particular response is denied.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. As explained in the ISOR and FSOR, this regulation is necessary to provide consumers transparency into the business's practices, particularly when their statutory right is being denied, and provides them with an opportunity to cure or contest the denial. ISOR, p. 20; FSOR, § 999.313.	W332-6	00183

FSOR APPENDIX E: SUMMARY AND RESPONSE TO COMMENTS SUBMITTED DURING SECOND 15-DAY COMMENT PERIOD

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
- **§ 999.313(c)(10)**				
43.	Comment proposes revising § 999.313(c)(10) to mirror the language of § 999.301(q), which gives consumers a right to "any or all" of the following categories of personal information, to make clear that a business is not required to disclose all categories enumerated in § 999.313(c)(10) if a consumer makes a limited request.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. The provision, as amended, uses language that is consistent with the language of the CCPA. See Civ. Code §§ 1798.110(c)(1)-(4), 1798.130(a)(3)(B), 1798.130(a)(4)(A)-(B), and 1798.130(a)(5)(C). Modifying this regulation to account for this specific situation would add complexity to the rules without providing identifiable benefits.	W313-13	00042
- **§ 999.313(d)(1)**				
44.	Supports the clarification/deletion made in this provision.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W320-2 W372-2	00066 00465
45.	Requests deletion of language in (d)(1) that had already been deleted and was subject to this comment period, and a change to require businesses to point consumers to the privacy notice.	No change has been made in response to this comment. The comment requested language be deleted that had already been deleted. Additionally, the OAG does not believe that adding another requirement in this section was needed as it would be redundant and duplicative, as the regulations already require businesses to provide consumers with access to various notices and privacy right disclosures.	371-10	00457
- **§ 999.313(d)(3)**				
46.	Comment proposes that the exemptions identified in § 999.313(c) also apply to deletion requests in § 999.313(d)(3).	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, the comment's proposed change is not as effective in carrying out the purpose and intent of the CCPA because it would allow businesses to maintain, use, or share data that they do not disclose to consumers in response to a request to delete, which is contrary to the purpose and intent of the CCPA. In addition, the comment's proposed change does not fall within any enumerated exception provided for by the CCPA. Civil Code § 1798.105(d) sets forth when a business or a service provider shall not be required to comply with a consumer's request to delete.	W328-10	00174

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
- § 999.313(d)(6)				
47.	Comment reiterates concerns about disclosing the reason why a particular response is denied.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. As explained in the ISOR and FSOR, this regulation is necessary to provide consumers transparency into the business's practices, particularly when their statutory right is being denied, and provides them with an opportunity to cure or contest the denial. ISOR, p. 20; FSOR, § 999.313.	W332-6	00183
- § 999.313(d)(7)				
48.	Delete provision because: (1) if verification cannot be made, the businesses will also lack the necessary information to implement an effective opt-out; (2) a request to delete is different from a request to opt-out; and (3) existing means to notify consumers regarding the right to opt-out are sufficient.	No change has been made in response to this comment. The regulation is consistent with the language, structure and intent of the CCPA, which does not require requests to opt-out to be verified and allows the consumer to prevent the proliferation of their personal information in the marketplace even if the business is allowed to retain it. See Civ. Code §§ 1798.120, 1798.135. The OAG disagrees that the regulation conflates two separate requests or results in an automatic opt-out. The regulation clearly states that the business simply needs to ask the consumer if they would like to opt-out and provide the notice of opt-out, which includes the form by which the consumer can submit their request. The consumer still would affirmatively and separately submit the request to opt-out.	W335-5 W348-6	00202 00296
49.	Modify this provision to require this option only if a business denies the request to delete because the request cannot be verified and to require the business to then direct the consumer to the method or channel of opt-out rather than providing the notice of opt-out. The current provision may mislead consumers to believe the business sells the excepted data.	No change has been made in response to this comment. The comment misreads the regulation. The regulation only applies to businesses that sell personal information and have denied the consumer's request to delete. Also, the regulation clearly states that the business simply needs to ask the consumer if they would like to opt-out and provide the notice of opt-out. Accordingly, there is no need to modify the regulation.	W370-2	00448-00449

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
§ 999.314. Service Providers				
- § 999.314 Generally				
50.	Distinguishing service providers from businesses is important from a privacy perspective.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, the comment does not provide specific proposed modifications for consideration.	W312-1	00028
51.	Insert the CCPA provision stating that certain transfers of data between businesses and service providers are not sales—Civ. Code § 1798.140(t)(2)—into this section of the regulations.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, the inclusion of this language is unnecessary because it is already set forth in the statute. The regulations need not duplicate CCPA provisions because they are already controlling authority.	W337-1	00217-00218
52.	Objects to the changes because the new draft regulations would greatly expand the ways service providers may use personal data, including building profiles.	No change was made in response to this comment. The comment appears to misinterpret the regulations, as well as the CCPA. Section 999.314(c)(3) explicitly prohibits service providers from building or modifying household or consumer profiles to use in providing services to other businesses, or from correcting or augmenting data acquired from another source. To the extent that this comment objects to allowing service providers to create profiles on behalf of the business that provided the personal information, if certain requirements are met, the CCPA would allow this. The business should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W330-1	00176
- § 999.314(a)				
53.	Delete or modify § 999.314(a), and reiterates prior comments regarding § 999.314(a). Granting service provider status to businesses serving non-profits or public entities weakens the CCPA.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period. As stated in response to prior similar comments, the comments posit that the CCPA "was always intended to cover businesses that processed government data" but provides no information regarding the legislature's intent and no provision of the CCPA directly addresses processing personal information on behalf of a government entity. Nor does the existing text of the CCPA manifest an intent to allow consumers to access public information collected by a public or non-profit entity that is merely held or processed by a	W376-4	00481-00483

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
		business on behalf of that public or non-profit entity. The CCPA neither allows consumers to submit requests to a public or non-profit entity, nor does it require said entities to disclose the businesses to whom they have shared personal information in a privacy policy. Thus, it is illogical to contend that the CCPA was "always intended" to allow requests to be submitted to such businesses. California law instead has a separate and distinct legal regime to access information held by public entities, including requirements and exceptions that differ from the CCPA. See, *e.g.*, Gov. Code § 6250 *et seq*. In addition, California law does not provide a right to delete information held by a public entity, nor does it provide a right to access personal information held by non-profits. Moreover, the OAG has exercised its discretion to treat those providing services to public and non-profit entities as CCPA-defined "service providers." Without this clarification, public and non-profit entities may not be able to employ service providers, which would either stifle the provision of public or charitable services or cause them to incur unnecessary public expense to perform operations internally. As explained in the FSOR, this regulation was drafted in response to public comments that highlighted how the absences of the rule would lead to unintended and absurd results. FSOR, § 999.314(a). For example, service providers that store grades or other records for school districts would be required to disclose and/or delete those records in response to consumer requests because they would be treated as a "business" and not a "service provider." Cloud storage providers would be required to disclose personal information maintained by an agency, despite the fact that such files may be expressly exempt from disclosure under the Public Records Act. Moreover, the example provided – a government agency buying surveillance data from commercial providers – by itself, would not establish the existence of a service provider relationship that this regulation addresses. Finally, the references to the fate of AB 1416 are unpersuasive. A later bill may not become law for a variety of reasons. Furthermore, the thrust of AB 1416 appears to have been to		

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
		allow businesses to "[p]rovide a consumer's personal information to a government agency solely for the purposes of carrying out a government program," rather than a business providing services to a public or non-profit entity pursuant to a contract and in compliance with the restrictions set out in the CCPA and § 999.314(c).		
- **§ 999.314(b)**				
54.	Supports allowing service providers to collect personal information on behalf of the business.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W319-4	00064
- **§ 999.314(c)**				
55.	Modify 999.314(c)(1) to allow businesses to use information to perform any services specified in the written contract, including providing services to multiple businesses using personal information provided from one business. Current regulation contradicts both the CCPA and public policy.	No change was made in response to this comment. The OAG disagrees that the CCPA allows a service provider to use personal information provided by one business to provide services to a different business and that allowing such de facto transfers is good public policy. As explained in the ISOR and FSOR, § 999.314(c) is consistent with the language, structure, and intent of Civil Code § 1798.140 (t) and (v), which provide that service providers may only process and maintain personal information to perform the services on behalf of the business that collected the personal information. ISOR, pp. 22-23; FSOR, § 999.314(c). The restrictions in the regulation (and indeed the CCPA itself) are necessary to ensure that the service provider relationship is not used to undermine the consumer's right to opt-out of the sale of personal information. See FSOR, § 999.314(c).	W314-4 W341-1	00048-00049 00231-00232
56.	Delete § 999.314(c) in its entirety. The new restrictions concerning the use, disclosure, and retention of personal information go beyond the statute. Civil Code § 1798.140(v) permits service providers to use personal information pursuant to ***any*** contract for a business purpose, not just contracts for services required by the CCPA.	No change was made in response to this comment. The OAG disagrees with the comment's interpretation of the CCPA. As explained in the ISOR and FSOR, the regulation is consistent with the language, structure, and intent of Civil Code § 1798.140(d), (f), (t), and (v), and is necessary to ensure that the service provider relationship is not used to undermine the consumer's right to opt-out of the sale of their personal information. ISOR, pp. 22-23; FSOR, § 999.314(c).	W328-5 W332-7	00172-00173 00183
57.	Objects that § 999.314(c) is impermissibly restrictive, including that it may prohibit a	No change was made in response to this comment. As explained in the ISOR and FSOR, the regulation is consistent with the language,	W312-2	00028

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
	service provider from retaining, using, or disclosing personal information as part of performing the services specified in the contract with the business. The revised language creates uncertainty for service providers that serve joint ventures, or other situations in which multiple businesses seek to jointly engage a service provider. Comment suggests using prior language, or revising the language to allow businesses to jointly engage a service provider.	structure, and intent of Civil Code § 1798.140(d), (f), (t), and (v), and is necessary to ensure that the service provider relationship is not used to undermine the consumer's right to opt-out of the sale of their personal information. ISOR, pp. 22-23; FSOR, § 999.314(c). A service provider can retain, use, or disclose personal information *on behalf of the business* that collected the personal as part of providing services to the business. However, it cannot retain, use, or disclose the same personal information to provide services to a different business. See FSOR, § 999.314. With regard to a joint venture situation, businesses should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The comment raises a context that would require a fact-specific determination. Modifying the regulations to account for this specific situation would add complexity to the rules without providing identifiable benefits.		
58.	Modify § 999.314(c)(1) to allow service providers to process information "to the extent permitted by the statute" and/or for any business purpose set out in § 1798.140(d), which includes the service provider's own purposes.	No change was made in response to these comments. The comments appear to misinterpret the CCPA. As explained in the ISOR and FSOR, the regulation is consistent with the language, structure, and intent of Civil Code § 1798.140(d), (f), (t), and (v), and is necessary to ensure that the service provider relationship is not used to undermine the consumer's right to opt-out of the sale of their personal information. ISOR, pp. 22-23; FSOR, § 999.314(c). The definitions of "business purpose," "commercial purpose," "sale," and "service provider" read together demonstrate that the service provider's use of personal information is within the context of servicing the business, not for the service provider's separate commercial benefit. See ISOR, p. 22; FSOR, § 999.314(c).	W343-9 W343-10 W347-5 W348-8 W366-7 W367-1 W371-11	00243-00244 00244 00282-00284 00299-00302 00426 00432, 00437 00457
59.	Remove "to use in providing services to another business" from § 999.314(c)(3). This new language allows service providers to build consumer profiles for themselves or for government entities.	No change was made in response to this comment. The comments appear to misinterpret the regulations, as well as the CCPA. Section 999.314(c) prohibits a service provider from using personal information collected from one business to provide services to any other entity. While § 999.314(c)(3) allows personal information to be used in the course of making internal improvements to services, with certain specified exceptions, nothing in subsection (c) allows a service	W344-6 W360-2	00254 00379-00381

Response #	Summary of Comment	Response	Comment #s	Bates Label (CCPA_2ND15DAY_)
		provider to directly use that personal information to provide those services to a person or entity that had not collected the personal information or to retain or use the personal information for itself or for others.		
60.	Delete the phrase "to process or maintain personal information" from § 999.314(c)(1). These words unnecessarily restrict the range of services that may be performed, including those involving disclosure of personal information on a business's behalf.	No change was made in response to this comment. Section 999.314(c)(1) uses the words "maintain and process" broadly to include the variety of services that service providers are allowed to perform. Those words are not intended to limit the type of services that may be performed, including those that may involve disclosures.	W341-1	00231-00232
61.	Objects to § 999.314(c) because, as the comment asserts, Civil Code § 1798.140(v) "allow[s] a service provider to retain, use, or disclose personal information for the purpose of performing services … including retaining, using, or disclosing the personal information for a commercial purpose other than providing the services specified in the contract with the business."	No change was made in response to this comment. The comment misquotes Civil Code § 1798.140(v). Rather than permitting a service provider to use personal information for any commercial purpose, § 1798.140(v) actually prohibits it. Civil Code § 1798.140(v) defines "service provider" as a legal entity "that processes information on behalf of a business and to which the business discloses a consumer's personal information for a business purpose pursuant to a written contract, ***provided that the contract prohibits the entity receiving the information from retaining, using, or disclosing the personal information for any purpose other than for the specific purpose of performing the services specified in the contract for the business***…." (Emphasis added.) Furthermore, it would not be a reasonable interpretation of subdivision (v) to have required a contract that both limits a service provider to using personal information to provide services and alternatively allows it to use that personal information for any commercial purpose whatsoever.	W346-6	00270
62.	Comment discusses exception provided under § 999.314(c) and claims that it is ridiculous, impractically narrow, and needs to be significantly broadened. The narrow definition of service provider means that a wide range of businesses are technically "selling" personal information unless there is a narrowly stipulated contract agreement.	No change has been made to the regulations in response to this comment. As an initial matter, the comment does not provide sufficient specificity to the OAG to make modifications to the text. The comment's criticism of the service provider exception is primarily directed at the CCPA, which defines service provider and sets forth the restrictions on what a service provider can do with personal information. As explained in the FSOR, subsection (c), as amended, is necessary to clarify how the CCPA defines and regulates the	W364-6	00396-00398

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	Small or medium-sized businesses have no leverage to demand such agreements. Responding to an opt-out request could be technically prohibited.	disclosure of consumer personal information to service providers and service providers' use of that information and to prevent service providers from effectively usurping the consumer's right to opt-out of the sale of their personal information. See FSOR, § 999.314(c).		
63.	Comment requests that § 999.314(c)(3) be revised to allow the correcting or augmenting data from another source. Reasons provided include that it is necessary for training and improving algorithms and to allow the improvement of machine learning systems, or that it does not present any appreciable risk to consumer privacy and may lead to costs associated with mis-directed communications.	No change has been made to the regulations in response to this comment. As explained in the FSOR, subsection (c)(3) is necessary to ensure that a service provider's internal use of personal information does not functionally operate to make personal information available to multiple businesses. FSOR, § 999.314(c)(3). Doing so would constitute a sale, which includes "making [personal information] available" to others (Civ. Code § 1798.140, subd. (t)(1)), and effectively usurp the consumer's right to prevent the sale of their personal information. It could also allow service providers to use personal information for a commercial purpose other than providing the services specified in their written contracts, in contravention of Civil Code § 1798.140(v). The comments proposed change would not be as effective in carrying out the purpose and intent of the CCPA and the regulation because it could effectively allow service providers to work around the restrictions set by the CCPA. Moreover, the burden this regulation places on businesses are limited and reasonable because together, subsections (c)(1) and (c)(3) appropriately balance allowing service providers to offer robust, innovative services to the business that has a direct relationship with the consumers while at the same time protecting consumers from having their personal information functionally made available to other businesses. See FSOR, § 999.314(c)(3).	W312-3 W327-2 W333-3 W374-1	00028-00029 00131-00135, 00137, 00143, 00151, 00155, 00157 00191 000473
64.	Modify § 999.314(c)(3) to mirror the Federal Trade Commission's rules allowing service providers to use data for support for internal operation and remove other restrictions on service providers.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, § 999.314(c) already allows service providers to use data for internal operations, in certain situations. The comment's proposal of removing other restrictions is not as effective in carrying out the purpose and intent of the CCPA and the regulation. As explained in the FSOR, this provision is necessary to clarify how the CCPA defines and regulates the disclosure of	W323-3	00099

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		consumer personal information to service providers and service providers' use of that information and to prevent service providers from effectively usurping the consumer's right to opt-out of the sale of their personal information. See FSOR, § 999.314(c).		
- § 999.314(d)				
65.	Delete § 999.314(d) which prohibits a service provider from selling data on behalf of a business when a consumer has opted out of sale of their personal information with the business.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. As stated previously and in the FSOR, subsection (d) was added to ensure that service providers retained by a business to sell personal information on behalf of that business must comply when informed by the business that the consumer has made a request to opt-out. FSOR, § 999.314(d). It was also added to clarify that a business cannot ignore requests to opt-out by employing a service provider to process the actual sale of personal information.	W341-2	00232
66.	Reiterated previous comment to tighten language in subsection (d) to prohibit a business from sharing personal information for the purpose of cross-context behavioral advertising when the consumer has opted out of the sale of their data.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. As previously stated, Civil Code § 1798.140(t)(2)(C) allows a business to share personal information with a service provider, without it being deemed a sale subject to a consumer's opt-out, so long as this sharing is necessary to perform a business purpose and certain legal requirements are also met. Section 999.314(d) then prohibits the service provider from selling that personal information if a consumer has opted out with the business that the service provider supports. Section 999.314(c) also limits how a service provider may use, retain, or disclose that personal information. Depending on the fact-specific context, the comment's characterization of cross-contextual advertising may be prohibited by these and other provisions. Further modification of the regulation is unnecessary.	W344-5	00253-00254
§ 999.315. Requests to Opt-Out				
- § 999.315 Generally				
67.	Comment suggest striking requirement to treat global privacy controls as opt-out requests under § 999.315(a) and (d) because	No change has been made in response to these comments. Civil Code § 1798.185(a)(4) authorizes the OAG to establish rules and procedures to facilitate the submission of and compliance with opt-out requests. Civil Code § 1798.120(a) grants consumers the right to	W328-3 W371-12 W372-6	00171-00172 00460-00462 00467

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	of technological and consumer choice limitations.	opt-out of the sale of their personal information "at any time." As explained in the ISOR and FSOR, this regulation is intended to encourage innovation and the development of technological solutions to facilitate and govern the submission of requests to opt-out. ISOR, p. 23; FSOR, § 999.315(d). Given the ease and frequency by which personal information is collected and sold when a consumer visits a website, consumers should have a similarly easy and global ability to opt-out. Concerns regarding technology limitations were already addressed by the OAG in previous modifications. The OAG notes that this regulation is forward-looking as it states the privacy control be "*developed* in accordance with these regulations." With regard to reducing consumer choice, the comments do not provide sufficient information to support a modification to the regulation. The OAG also disagrees that the privacy control does not respect consumer choice; to the contrary, this regulation offers consumers a global choice to opt-out of the sale of personal information, as opposed to going website-by-website to make individual requests with each business. The consumer exercises their choice by affirmatively using the privacy control.		
68.	Comments think that the regulations allow businesses to avoid treating clear Do Not Track signals as opt-out requests, suggest making clear that Do Not Track signals are opt-outs, or clarify how platforms can certify privacy settings are opt-outs.	No change has been made in response to these comments. Section 999.315(d) requires a business that collects personal information from consumers online to treat user-enabled global privacy controls as a valid request to opt-out. The regulations do not prohibit a business from responding and respecting a user's "do not track" signal, which communicates via a setting in a user's browser that the user requests that third parties stop tracking online activity. The business has discretion to treat a "do not track" signal as a useful proxy for communicating a consumer's privacy choices to businesses and third parties. Additionally, writing a specific regulation for how platforms should certify that the privacy settings are opt-outs would be unnecessary as the regulations already require that the privacy control must communicate or signal that a consumer intends to opt-out of the sale of personal information. . Requiring a further	W330-2 W344-4 W360-4	00176 00252-00253 00382-00383

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		certification process would only encumber the ability of consumers to utilize these settings.		
69.	Comment believes that businesses should not require consumers, especially those using authorized agents, to complete additional steps to opt-out.	No change has been made to the regulations in response to this comment. Section 999.315(c) already requires that businesses shall make it easy for consumers to opt-out and shall require only minimal steps to allow the consumer to opt-out.	W331-1	00178-00179
70.	Restore the previous version by the deleting "has the" from the phrase "A business shall not utilize a method that…**has the** substantial effect of subverting or impairing a consumer's decision to opt-out." Businesses should not be liable for unintended impacts from new opt-out methods. Current provision will discourage businesses from developing new and innovative opt-out methods.	No change has been made to the regulations in response to this comment. As explained in the FSOR, the addition of § 999.315(c) is necessary because since the effective date, the OAG has found that businesses have created confusing or complex methods for consumers to exercise their rights under the CCPA. FSOR, § 999.315(c). The addition of the words "has the" is necessary so that businesses take a performance-based approach by looking at the methods in place from the user's perspective. It incentivizes businesses to use methods that are easy for consumers to locate and use.	W310-8	00018
- **§ 999.315(d)**				
71.	Comments suggest deleting or revising this section because the requirements in (d) are unconstitutional, exceed the scope of the CCPA and the Attorney General's authority, and violate separation of powers. Comments suggest allowing businesses to treat global privacy controls as optional or offer consumers another choice to opt-out. Comments do not believe the language advances the state's interest in protecting consumer privacy and impede consumer choice and the digital economy. Comments suggest the language turns the CCPA into an opt-in system by requiring businesses to contact consumers to verify that the consumer's global privacy opt-out signal was intentional.	No change has been made in response to these comments. Civil Code § 1798.185(a)(4) authorizes the OAG to establish rules and procedures to facilitate the submission of and compliance with opt-out requests. Civil Code § 1798.120(a) grants consumers the right to opt-out of the sale of their personal information "at any time." As explained in the ISOR and FSOR, this regulation is intended to encourage innovation and the development of technological solutions to facilitate and govern the submission of requests to opt-out. Given the ease and frequency by which personal information is collected and sold when a consumer visits a website, consumers should have a similarly easy and global ability to opt-out. ISOR, p. 24; FSOR, § 999.315(d). Concerns regarding the lack of standardization or difficulty in the technical implementation are adequately addressed by modifications previously made to the regulations. The OAG notes that this regulation is forward-looking as it states the privacy control be "*developed* in accordance with these regulations." With regard to reducing consumer choice, the comments do not provide sufficient	W310-4 W314-5 W343-12 W347-6 W348-7 W349-2 W364-3 W371-12	00010-00016 00049 00244-00245 00285-00289 00296-00299 00310-00312 00394-00395 00460-00462

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		information to support a modification to the regulation. The OAG also disagrees that the privacy control does not respect consumer choice; to the contrary, this regulation offers consumers a global choice to opt-out of the sale of personal information, as opposed to going website-by-website to make individual requests with each business. The consumer exercises their choice by affirmatively using the privacy control, which is also intentional. Additional confirmation by the business would not be consistent with the CCPA. See Civ. Code § 1798.135(a)(5) [business shall respect a consumer's opt-out for at least 12 months before requesting to sell personal information]. Nor does the regulation convert the right to opt-out into an opt-in; it merely provides another mechanism by which a consumer requests to opt-out.		
72.	Supports the removal of the deleted language in § 999.315(d)(1).	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W360-4	00382-00383
73.	Objects to the deletion of the following language: "The privacy control shall require that the consumer affirmatively select their choice to opt-out and shall not be designed with any pre-selected settings." Comments assert that the elimination of these provisions is contrary to the CCPA by frustrating consumer choice, or would allow web browser companies to tamper with consumer choice by setting default choices in browsers that may not align with user intentions. Comments recommend eliminating § 999.315(d)(1), making the business's recognition of the user-enabled browser signal optional, or restoring the deleted language.	No change has been made to the regulations in response to this comment. The OAG disagrees that the privacy control does not respect consumer choice; to the contrary, this regulation offers consumers a global choice to opt-out of the sale of personal information, as opposed to going website-by-website to make individual requests with each business. Because the regulation provides clear guidance regarding what the privacy control is to communicate, and does not prescribe a particular mechanism or technology, the regulation fosters the development of multiple technological solutions and actually gives consumers more choices. The consumer exercises their choice by affirmatively choosing the privacy control, including when utilizing privacy-by-design products or services. If a global privacy setting experience frustrates the consumer, the consumer can disable their user-enabled control and return to using the "Do Not Sell My Personal Information" link. Indeed, this regulation encourages technology vendors to work with businesses to build global privacy controls that can be customized per	W310-6 W313-3 W314-5 W328-4 W332-8 W333-2 W343-11 W345-2 W346-7 W347-7 W348-7 W349-2 W355-1 W366-8 W367-7 W371-12 W371-13 W372-7	00014-00015 00036-00037 00049 00171-00172 00183 00189-00191 00244 00258-00259 00270-00271 00286-00287 00296-00299 00310-00313 00342 00426-00427 00435-00436 00460-00462 00461-00462 00467-00468

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		website or business. Accordingly, it is not necessary to further modify the regulation.		
74.	Proposes revision to § 999.315(d)(2) to allow consumers who have given unambiguous authorization to sell the consumer's personal information, that authorization should take precedence over previously selected privacy settings.	No change has been made in response to this comment. The comment's proposed language is not more effective in carrying out the purpose and intent of the CCPA because it gives businesses too much discretion to ignore or subvert a consumer's global opt-out. As explained in the ISOR and FSOR, this regulation is necessary because, without it, businesses are likely to reject or ignore tools that empower consumers to effectuate their right to opt-out, especially if the rule permits discretionary compliance. ISOR, p. 24; FSOR, § 999.315(d). Even if the consumer provides "unambiguous authorization" to sell the consumer's personal information, Civil Code § 1798.120(a) allows the consumer to opt-out "at any time." Thus, that authorization may not be current. Additionally, the regulations already provide that where a consumer's choice is not clear, the business may clarify the potential inconsistency.	W313-4	00037
75.	AG's economic impact assessment did not separately consider the opt-in regime created by the browser mandate, which will prevent regulated businesses from selling data from a class of consumers who have not expressed specific data-sharing preferences. It also did not consider the costs consumers could incur from default opt-out signals expressed through browsers without their express permission or buy-in. The impact analysis erroneously counted as a benefit what should have been counted as a cost—loss of value to consumers when opt-out signals are cast without their permission, and lost revenue for businesses that otherwise would have been able to sell personal information about parties who do not oppose the sale of	No change has been made in response to these comments. The OAG disagrees with the assumption that a global privacy setting is contrary to consumer's choice. The OAG also disagrees with the assumption that a consumer who exercises their choice by affirmatively choosing a privacy-by-design product or service that includes an opt-out control has signaled an opt-out without their permission. Any costs incurred by a business result from the consumer's choice to exercise a right provided by the CCPA, and is therefore not a consequence of the regulation. The SRIA considered the costs of complying with the regulations for businesses that collect and sell consumer data, and the benefits to consumers from controlling how businesses use their data. The regulations seeks to maximize consumers' right to opt-out by encouraging innovation and the use of automation. Costs will be incurred because the CCPA vests consumers with new rights, not because the regulations provided a pathway for consumers to exercise such rights. The SRIA does not predict how many consumers will exercise the right to opt-out of the sale of their data, or how many consumers will choose an automated method to exercise this	W310-5	00012-00013

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	personal information thus derive no benefit from this prohibition.	right. The SRIA's estimates were based on the best data available at the time of its publication, and there is no data available to estimate impacts based on the number of consumers who will exercise their right to opt out.		
- § 999.315(f)				
76.	In light of the changes to the user-enabled privacy control in § 999.315(d), requests more time for businesses to implement systems to process such controls. Recommends striking the third party notification requirement in § 999.315(f) altogether.	No change has been made in response to this comment. The OAG has considered and determined that delaying the implementation of these regulations is not more effective in carrying out the purpose and intent of the CCPA. The proposed rules were released on October 11, 2019, and the requirement that businesses treat user-enabled privacy controls as a valid request to opt-out of the sale of personal information remained in the modifications made public on February 10, 2020 and March 11, 2020. Changes made to § 999.315(d) were in response to public comments. Thus, businesses have been aware that this requirement could be imposed as part of the OAG's regulations. To the extent that the regulations require incremental compliance, the OAG may exercise prosecutorial discretion if warranted, depending on the particular facts at issue. Prosecutorial discretion permits the OAG to choose which entities to prosecute, whether to prosecute, and when to prosecute. But see Civ. Code § 1798.185(c) (enforcement may not begin until July 1, 2020). Thus, any regulation that delays implementation of the regulations is not necessary. As to the comment's recommendation to strike § 999.315(f) altogether, the comment does not relate to a modification to the text for this 15-day comment period.	W355-2	00343
§ 999.317. Training; Record-Keeping				
- § 999.317(e)				
77.	States that the clarifications in § 999.317(e) and (f) are helpful.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W320-3 W335-6	00066 00202
78.	Comment reiterates previous request that § 999.317(e) be modified to make clear that the information can be shared when an exception to the CCPA applies, like in the course of	No change has been made in response to this comment. As the commenter noted, the regulation has already been modified to allow businesses to share information maintained for record-keeping purposes with a third party "as necessary to comply with a legal	W335-6	00202

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	defending a legal claim or exercising an evidentiary privilege.	obligation." It is not necessary to include additional language because Civil Code § 1798.145(a)(4) and (b) already address the concerns raised.		
- § 999.317(g)				
79.	Supports the increase in the threshold from 4 million to 10 million consumers.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W352-5	00330
ARTICLE 4. VERIFICATION OF REQUESTS				
§ 999.323. General Rules Regarding Verification				
- § 999.323(d)				
80.	Concerned that businesses will incur excessive costs from authorized agents and that this will impede businesses from preventing fraud because it will discourage the use of notaries for verification.	No change has been made in response to this comment. The CCPA expressly provides that a consumer may authorize another person to make requests to know on their behalf, and that the business shall respond "free of charge to the consumer." See Civ. Code §§ 1798.100(d), 1798.130(a)(2), 1798.140(y), 1798.185(a)(7). Requiring the consumer, or their agent, to pay for identity verification would be inconsistent with these provisions of the CCPA. The OAG has made every effort to limit the burden of the regulations while implementing the CCPA. The regulations provide businesses with discretion and flexibility to select a workable and cost-effective method. Notarization is not the only way to verify the requestor.	W324-3 W324-9 W367-4	00104 00116 00434
81.	Comment reiterates prior discussion and proposals for potential changes and further guidance to the section, including additional guidance to businesses and reinforcement of prior comments about minimum standards of verification, including using multi-factor authentication to ensure the privacy process developed keeps security in mind.	No change has been made in response to this comment. As previously stated, the regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many industries and factual situations, including those in the future. Minimum standards, such as multi-factor authentication, are not required by CCPA, and the regulations should remain a broad framework to allow for adaptability.	W321-5	00092
82.	Clarify that an authorized agent should not incur or seek reimbursement for proof of authorization where a business offers an alternative verification method that is free to the consumer. Comments also concerned	No change has been made in response to this comment. Whether a business requires notarization or any other form of verification that would require reimbursement is up to the business, not the authorized agent. The plain reading of the regulation does not support the comments' concern regarding the regulation.	W328-7 W355-4	00173 00344-00345

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	that this regulation will be read to require businesses to reimburse consumers for the multitude of ways in which consumers may verifying their identity.	Accordingly, modifying the regulation to add this level of specificity is unnecessary and would add complexity to the rules without providing identifiable benefits.		
§ 999.326. Authorized Agent				
83.	Comments regarding § 999.326 that reiterated previously proposed various changes to the section, including adding procedures for verifying the authenticity of CCPA requests made by authorized agents, additional steps a consumer may need to take if using an authorized agent, or loosening the existing procedures for allowing authorized agents to make requests on behalf of consumers.	No change has been made in response to this comment. The comment's proposed changes are not more effective in carrying out the purpose and intent of the CCPA. As previously discussed, in drafting these regulations, the OAG weighed the risk of fraud and misuse of consumer information and the burden to the business with the consumer's statutory right to use an authorized agent as required by the law. The OAG determined that requiring the consumer to directly confirm with the business that they provided the authorized agent permission to submit the requests allows businesses to authenticate the signed permission. See FSOR, § 999.326. Businesses have discretion to determine whether this requirement is warranted based on the factors set forth in §§ 999.323(b), 999.324, and 999.325 of these regulations.	W311-4 W346-8 W363-1	00021, 00024-00025 00271-00272 00390-00391
ARTICLE 5. SPECIAL RULES REGARDING MINORS				
§ 999.330. Minors Under 13 Years of Age				
- § 999.330(c)				
84.	Clarify that only parents or guardians may make request to access or delete the personal information of children under the age of 13, not authorized agents. Requests explicit statement because replacement of "whether" with "that" in provision is still not clear enough.	No change has been made in response to this comment. The regulation is reasonably clear, and thus, it is not necessary to modify the regulation.	W323-2	00099
ARTICLE 6. NON-DISCRIMINATION				
§ 999.337. Calculating the Value of Consumer Data				
85.	Supports § 999.337.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W318-1	00057

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86.	Supports § 999.337(b) clarification that persons nationally—and not just those in California—may be included in a calculation of data value.	The OAG appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W348-15	00307
87.	Strike § 999.337 in its entirety because businesses should not be required to disclose the value of the consumer's data, which is often derived from the sale of advertising opportunities and is difficult to calculate, uncertain, may vary over time, or depend upon the specific services the consumer chooses, and § 999.337 provides guidance on how businesses may calculate that value. Because businesses should not be required to disclose the value of the consumer's data, as this requirement exceeds the text of the CCPA, there is no need for guidance on how to calculate the value of the consumer's data.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, the OAG considers the value of the consumer's data to be a material term of any financial incentive program because any financial incentive or price or service difference must be "reasonably related" to the value of the consumer's data. *See* Civ. Code § 1798.125(a) & (b); § 999.307(b). Businesses offering financial incentives must provide the consumer with "the material terms of the financial incentive program" before the consumer opts in to the financial incentive program under Civil Code § 1798.125(b)(3). Thus, businesses must provide consumers with a good-faith estimate of the value of their data before offering any financial incentive. For this reason, § 999.337 is necessary to provide businesses guidance regarding how they can calculate the value of consumer's data.	W313-16 W348-13 W371-7	00043 00306-00307 00454, 00463
88.	Clarify that tech companies that offer products without charging a stated price are nonetheless covered by the requirement to calculate and disclose the value of the consumer's data if offering a financial incentive or price or servicer difference.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, the comment's concern that some businesses—those that do not charge a monetary fee for their products and services—are exempt from notice and antidiscrimination requirements is unfounded. Businesses that offer products or services in exchange for data are bound by the requirements of set forth in §§ 999.307, 999.336, and 999.337 to the same extent as businesses that offer products or services in exchange for cash payments. The definitions of "price or service difference" and "financial incentive" indicate that non-monetary benefits or product or service differences related to the collection, retention, or sale of personal information trigger notice requirements and may be deemed discriminatory. See §§ 999.301(j) & (o), 999.307, 999.336, and 999.337.	W315-1	00050

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89.	Section 999.336 should be amended to treat "financial incentives" and "price or service differences" distinctly; "financial incentives" need not be "reasonably related to the value of the consumer's data."	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, the OAG has interpreted the CCPA to treat financial incentives and price or service differences similarly because the restrictions placed on them by Civil Code § 1798.125(a) and (b) are largely equivalent. Subsection (a) describes the limits on businesses' ability to treat consumers exercising their rights differently than other consumers, and subsection (b) provides the steps businesses must take before doing so. Moreover, there is significant overlap between the two definitions. A financial incentive predicated on a consumer's non-exercise of a CCPA right is also a price or service difference directly governed by Civil Code § 1798.125(a)'s requirement that it be reasonably related to the value of the consumer's data. Likewise, a price or service difference that may induce a consumer to exercise or not exercise a CCPA right is a financial incentive governed by the opt-in requirements of Civil Code § 1798.125(b). Accordingly, financial incentives, like any other price or service difference, are permissible only when reasonably related to the value of the consumer's data.	W348-10	00305
90.	Businesses should be permitted to calculate the value of the consumer's data based on the average value of its customers' data globally.	No change has been made to the regulations because the comment does not relate to any modification to the text for this 15-day comment period. Additionally, the CCPA defines "consumer" to mean a "natural person who is a California resident." Civil Code § 1798.140(g). Thus, the value of the consumer's data described in Civil Code § 1798.125(a) is the value of data a business obtains from natural persons who are California residents. Because the value of the consumer's data is difficult to calculate and because some businesses may be unable to segregate the value of California consumers' data from the data of their customers nationwide, § 999.337 permits businesses to consider the value of data from natural persons in the United States, not just California. While there is likely to be rough parity between the value of Californians' data and that of other United States residents, the same cannot necessarily be	W348-15	00307

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		said for the data of natural persons residing globally, particularly in countries at different stages of economic development.		
COMMENTS NOT DIRECTED AT 15-DAY MODIFIED TEXT				
91.	Delay enforcement of the CCPA and/or the regulations. Delay is warranted because (1) the regulations will not be finalized with sufficient time for businesses to become compliant before the July 1, 2020 enforcement date.	No change has been made in response to this comment. The comments do not relate to any modification to the text for this 15-day comment period. Furthermore, the OAG has considered and determined that delaying the implementation of these regulations is not more effective in carrying out the purpose and intent of the CCPA. The proposed rules were released on October 11, 2019, with modifications made public on February 10, 2020 and March 11, 2020. Thus, businesses have been aware that these requirements could be imposed as part of the OAG's regulations. Indeed, many of the regulations are restatements of a business' obligations under the CCPA, which went into effect on January 1, 2020. Civ. Code § 1798.198(a). To the extent that the regulations require incremental compliance, the OAG may exercise prosecutorial discretion if warranted, depending on the particular facts at issue. Prosecutorial discretion permits the OAG to choose which entities to prosecute, whether to prosecute, and when to prosecute. But see Civ. Code § 1798.185(c) (enforcement may not begin until July 1, 2020). Thus, any regulation that delays implementation of the regulations is not necessary.	W310-1 W313-1 W316-1 W319-1 W323-7 W324-7 W328-1 W333-4 W340-1 W340-2 W346-1 W347-1 W349-1 W350-1 W352-1 W355-5 W365-1 W368-1 W371-1 W371-2 W372-10 W372-11 W373-1	00004, 00006-00008 00033 00052 00063 00099-00100 00105 00170-00171 00192 00228-00229 00228-00229 00264 00276-00277 00309-00310 00316-00318 00329 00345-00346 00399, 00400, 00402 00439 00452 00452-00453 00468-00469 00469-00470 00471
92.	Comments propose delay of enforcement of the CCPA and/or the regulations based on the current coronavirus pandemic. Delay is warranted because (1) it will allow businesses to focus resources on supporting customers, employees, and governmental response to	No change has been made in response to this comment. The comments do not relate to any modification to the text for this 15-day comment period. Also, the comments do not relate to any procedural deficiencies in the rulemaking. Stakeholders have had several opportunities to provide public comment during four public hearings and three public comment periods, and the OAG has reviewed over	W310-1 W313-1 W316-1 W319-1 W323-7	00004, 00006-00008 00033 00052 00063 00099-00100

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	pandemic; (2) business will be unable to implement compliance measures while shut down or with employees working from home; (3) other international privacy regulators have announced delays in enforcement; and (4) the CCPA does not require that the OAG begin enforcement on July 1, 2020.	300 comment letters in preparing the final draft of the regulations. The OAG has determined that any delays in implementation of the regulation will have a detrimental effect on consumer privacy as more and more Californians are using online resources to shop, work, and go to school. Further, the OAG may exercise prosecutorial discretion when enforcing the CCPA and the regulations, depending on particular facts and surrounding circumstances. Prosecutorial discretion permits the OAG to choose which entities to prosecute, whether to prosecute, and when to prosecute.	W324-7 W328-1 W333-4 W340-1 W340-2 W346-1 W347-1 W349-1 W350-1 W352-1 W355-5 W365-1 W368-1 W371-1 W372-10 W372-11 W373-1	00105 00170-00171 00192 00228-00229 00228-00229 00264 00276-00277 00309-00310 00316-00318 00329 00345-00346 00399, 00400, 00402 00439 00452 00468-00469 00469-00470 00471
93.	OAG should not delay enforcement of the CCPA. Delay is not warranted because (1) businesses have had 18 months to come into compliance with the CCPA; (2) consumers need the CCPA's legal protection more than ever while they are sheltering in place and utilizing online resources during the coronavirus pandemic; (3) the CCPA's right to cure provision means that enforcement is not burdensome; and (4) businesses facing lost revenue may be incentivized to sell personal information.	No change has been made to the regulations. The comments do not relate to any modification to the text for this 15-day comment period.	W330-3 W344-2 W360-1	00176 00249-00251 00377, 00379
94.	Delay application of CCPA obligations as to handling of employee data for at least one year.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W323-8	00100

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95.	Ensure that the regulations re employment and benefits remain in place beyond 2020.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period. In addition, the comment is inconsistent with the language of the CCPA. The OAG cannot implement regulations that alter or amend the statute.	W338-3	00220
96.	Comments regarding § 999.301 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including new definitions, or changes/clarifications of portions of definitions that were not modified in this round.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W319-3 W322-1 W342-3 W342-4 W342-5 W357-2 W357-3 W366-12 W366-13	00064 00095-00096 00234 00234 00234 00352 00353 00429 00429
97.	Comment regarding § 999.301(j) of the proposed regulations, but not about the second modifications to the proposed regulations. Comment proposes various changes to the section, including deleting the definition, or reverting to the version in the first draft of the regulations.	No change has been made to the regulations as the comments are not related to the second set of 15-day changes in the modified text.	W348-12	00305-00306
98.	Comments directed to § 999.301(o) of the proposed regulations, but that did not comment on any changes in that section. These comments proposed various changes to the section, including deleting the definition, reverting to the version in the first draft of the regulations, or adding that definition must consider time to delivery of any goods or services.	No change has been made to the regulations as the comments are not related to the second set of 15-day changes in the modified text.	W348-12 W362-1	00305-00306 00387
99.	Add new provision clarifying CCPA's definition of "collect." Collected information should not include inferences or internally-generated personal information.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W314-1 W332-2 W348-5 W351-1	00046 00181-00182 00295-00296 00322-0324

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			W366-6 W371-4	00425 00453
100.	Minimize notice requirements that businesses must meet. Notice requirements are costly and complex for small businesses and not requested by customers.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W352-2	00330
101.	Comments regarding § 999.305 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including (1) modifying 999.305(a)(3)(d) to allow business to use alternative methods to provide the notice at collection by phone rather than provide it orally; (2) modifying 999.305(a)(4) so that its requirements apply to the "average" consumer; (3) objecting to 999.305(a)(5) as exceeding the CCPA; and (4) clarifying that 999.305(c) does not allow businesses to satisfy the requirement to post the Do Not Sell My Info link on every webpage that collects personal information by providing the link in its privacy policy. Comments also sought clarification about the relationship between the requirements of § 999.305 and § 999.308 regarding the location of links to the notice at collection and privacy policy and the terms "reasonably expect" and "just in time" as used in 999.305(a)(4).	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W310-9 W313-9 W313-10 W313-11 W324-2 W324-6 W324-9 W367-10 W372-8 W376-2	00018-00019 00040 00040 00041 00103-00104 00105 00114, 00115 00438 00468 00480
102.	Comments regarding § 999.306 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W329-1 W348-1 W358-2 W371-5	00175 00293 00357, 00358-00359 00453-00454

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	seeking clarification on whether the Do Not Sell My Information link needs to be presented to all consumers, on the location of the Do Not Sell My Information link in a mobile application, and deleting subsection (e), which prohibits sale of information collected during the period the Do Not Sell My Information link is not posted.			
103.	Comments regarding § 999.307 of the proposed regulations, but not about the second modifications to the proposed regulations. These comments proposed various changes to the section, including modifying § 999.307 to reduce notice requirements for businesses, to clarify or remove various provisions relating to financial incentive notices requiring disclosures by businesses, to remove from §§ 999.307(b)(2) and 999.307(b)(5) any requirements that the business provide an estimate of the value of consumer's data, and to modify § 999.307 only to require businesses to disclose whether they have a financial incentive or whether the data has value.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W310-3 W313-15 W324-8 W324-9 W328-6 W332-3 W343-3 W352-2 W366-9 W371-6	00010 00043 00108-00110 00114 00173 00182 00239-00240 00330 00427-00428 00454
104.	Comments regarding § 999.308 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including adding provisions for requests made by authorized agents, revising the general description of the verification process, or deleting provisions, including the requirement	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W317-1 W335-3 W358-1 W360-5	00055 00201 00357-00358 00383-00384

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	to disclose whether it sells personal information about minors.			
105.	Comments regarding § 999.312 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including modifying CCPA requests method requirements for businesses and limiting ways consumers may submit requests.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W313-12 W324-4 W324-8 W324-9 W336-1 W358-3	00042 00104 00110 00114 00214 00357, 00359
106.	Comments regarding § 999.313 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments expressed concerns with the unmodified provisions, reiterated previously-made arguments, sought edits that had already been made, or proposed various changes to the section, including deleting existing language from unmodified provisions, restoring language that was deleted from the initial proposed regulations, reducing the information a business would be required to disclose in response to requests to know, providing additional exemptions, and exempting internally-generated personal information and duplicative pieces of personal information.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W310-7 W312-4 W313-6 W313-7 W313-8 W313-13 W314-3 W321-3 W321-5 W324-8 W328-9 W328-10 W332-5 W332-6 W335-4 W343-6 W343-7 W343-8 W346-3 W346-4 W347-3 W347-4 W348-3 W348-4	00016-000017 00029-000030 00038 00039 00039 00042 00047-00048 00089-00091 00092 00111 00173-00174 00174 00182-00183 00183 00201-00202 00241 00241 00242-00243 00265-00266 00266-00268 00278-00279 00280-00282 00293-00295 00295

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			W348-5 W352-4 W366-4 W366-5 W367-6 W367-8 W367-9 W371-8 W371-9 W371-10 W372-5 W376-3	00295-00296 00330 00422-00424 00424-00425 00434-00435 00436 00436-00437 00454-00456 00456-00457 00457 00466-00467 00480-00481
107.	Comments regarding § 999.314 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes or objections to the CCPA's or § 999.314's treatment of service providers in general, including opposing restrictions placed on service providers, modifying the regulations to mirror the Federal Trade Commission's rules allowing service providers to use data for support for internal operation, definitions, and adding prohibitions on cross-context behavioral advertising. Some comments expressed objections to or support for changes to the regulations introduced earlier and subject to their own comment period.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W312-1 W312-3 W323-3 W333-3 W337-1 W341-2 W344-5 W358-4 W360-2 W364-6 W367-1 W374-1	00028 00028-00029 00099 00191 00217-00218 00232 00253-00254 00357, 00359 00379-00381 00396-00398 000437 000473
108.	Comments regarding § 999.315 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including: (1)	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W309-1 W310-4 W310-5 W311-3	00001 00010-00016 00012-00013 00021,00024-00025

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	requiring businesses to recognize more opt-out methods for consumers and for authorized agents; (2) easing or eliminating requirements for the recognition of user-enabled global privacy setting; (3) requiring businesses to recognize any "Do Not Track" setting as an opt-out; (4) modifying the time frame for businesses to comply with requests to opt-out; (5) allowing business to notify consumers directly when denying requests to opt-out under subsection (h); and providing a standardized Application Programming Interface (API) to enable consumers to use third-party applications and privacy settings to submit opt-out requests automatically.		W313-3 W313-4 W314-5 W324-8 W328-3 W329-1 W330-2 W331-1 W343-12 W344-4 W347-6 W348-7 W349-2 W355-4 W360-4 W364-3 W366-8 W371-12 W372-6 W375-1 W376-5	00036-00037 00037 00049 00110 00171-00172 00175 00176 00178-00179 00244-00245 00252-00253 00285-00289 00296-00299 00310-00312 00345 00382-00383 00394-00395 00426-00427 00460-00462 00467 00477 00483-00484
109.	Modify § 999.316(a) to remove two-step process to opt-in after opting out or clarify that provision is not intended to create a triple opt-in. Provision requires (1) "request to opt-in" and (2) separate confirmation of choice to opt-in, but "request to opt-in" is defined term that already requires two-step opt in process, so provision effectively requires three-steps to opt-in.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W366-12 W366-13	00429 00429
110.	Comment regarding § 999.317(e) of the proposed regulations, but not about the second set of modifications to the proposed regulations. The comment reiterated	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W335-6	00202

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	previous request proposing that the section make clear that record-keeping information may be shared when an exception to the CCPA applies.			
111.	Comments regarding § 999.317(g) of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including that the section be deleted because it goes beyond the scope of the CCPA, is burdensome, and provides little value to consumers; that subsection 999.317(g)(2) be deleted because it goes beyond the scope of the CCPA, is burdensome, and may cause reputational damage to businesses that have legitimate reasons for denials; that the section should state that the start date for reporting should be July 1, 2021 to give businesses enough time and to reflect annual figures; and that the threshold should be based on the number of unique consumers and should not include information collected by a service provider at the request of a business if the business does not receive the personal information.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W310-10 W313-5 W343-13 W370-3 W372-9	00019 00038 00245 00449 00468
112.	Clarify § 999.318 to allow verified parents to make a single request for household data which covers all of their children under the age of 13. This would lessen the burdens on parents. (Note that the comment states § 999.322, but this appears to be a typographical mistake since there is no § 999.322 in the regulations.)	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W323-5	00099

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113.	Comments regarding § 999.323 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including additional guidance to businesses and reinforcement of prior comments about minimum standards of verification.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W355-4 W321-5 W364-5 W332-9 W357-4	00344-00345 00092 00396 00183-00184 00353
114.	Comments regarding § 999.324 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including requiring multi-factor authentication for password-protected accounts and affording more flexibility to businesses in establishing verification procedures.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W321-5 W332-9	00092 00183-00184
115.	Comments regarding § 999.325 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including more flexibility in the verification requirements and providing additional guidance to businesses. For many businesses, non-accountholder verification poses a challenge.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W332-9 W363-2	00183-00184 00391
116.	Comments regarding § 999.326 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including adding procedures for verifying the authenticity of CCPA requests made by	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W311-4 W346-8 W363-1 W367-5	00021, 00024-00025 00271-00272 00390-00391 00434

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	authorized agents or loosening the existing procedures for allowing authorized agents to make requests on behalf of consumers.			
117.	Comments regarding § 999.330 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed expanding parental consent mechanisms to additional methods allowed under COPPA and reiterated previously submitted comments that COPPA preempts portions of the regulations.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W323-1 W323-4	00098 00099
118.	Comments regarding § 999.336 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including limiting the scope of the definition of discrimination and providing more guidance on how financial incentives may be discriminatory.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W310-2 W348-9 W348-10 W348-11	00008-00010 00302-00305 00305 00305
119.	Comments regarding § 999.337 of the proposed regulations, but not about the second set of modifications to the proposed regulations. These comments proposed various changes to the section, including striking § 999.337 in its entirety, making explicit that the regulation applies to big technology companies, providing more examples of how the regulation applies, and including exceptions to the regulation.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W313-16 W315-1 W324-5 W328-6 W343-3 W348-10 W348-13 W348-15 W366-9 W371-7	00043 00050 00104 00173 00240 00305 00306-00307 00307 00427-00428 00454, 00463
120.	Add new provisions to protect CCPA from First Amendment challenges, including exempting publicly available information from	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W364-4 W366-1	00395-00396 00419-00420

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	definition of personal information and exempting journalists and news organizations from CCPA requests to know and delete.			
121.	Add new provision to exempt intellectual property and trade secrets from the CCPA.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W313-2 W343-14 W347-4 W348-14 W366-2 W367-11 W371-14	00036 00245-00246 00280-00282 00307 00420 00438 00462-00463
122.	Add new provision to ensure that sharing of data to prevent fraud is allowed.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W338-2 W354-1	00220 00337
123.	Add new provisions defining (1) data security standards that if met would serve as safe harbor from private rights of action under Civil Code § 1798.150 and (2) cure, as the term is used in Civil Code § 1798.150(b).	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W328-2	00171
124.	Comments request that OAG provide model notices.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W338-1	00220
125.	Comments that request changes or new regulations unrelated to second set of modifications including: (1) engage with federal government and states on privacy regulations; (2) make regulations more flexible rather than prescriptive; (3) create an appeal process for denied requests to know or delete; (4) exempt workplace injury, property and casualty damage, and liability claims from the regulations; (5) provide non-binding hypotheticals to clarify application of the regulations; (6) facilitate joint initiatives between stakeholders to create model	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W321-1 W321-2 W344-7 W356-1 W356-2 W359-1 W365-2 W369-1	00088-00089 00088 00254-00255 00349 00349-00350 00369, 00371, 00372-00373 00401 00440-00446

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	notices; (7) create a Personal Data Use License framework; (8) clarify that Civil Code § 1798.145(g) applies to recreational vessels and vehicles and create new provisions to classify sellers and manufacturers of such vehicles; and (9) draft regulations concerning video camera and wifi network surveillance.			
126.	Commenter seeks to enforce the CCPA and asks what the uniform looks like.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period.	W361-1	00385-00386
127.	Comments are copies of comments previously submitted during the 45-day and first 15-day comment periods.	No change has been made to the regulations because the comments do not relate to any modification to the text for this 15-day comment period. The OAG previously addressed these comments in the responses to the 45-day and first 15-day comment periods.	W320-4 W324-8 W324-9 W326-2 W327-1 W327-2 W335-1 W336-1 W344-1 W365-3 W366-14 W376-1	00066-00067 00107-00111 00113-00116 00127 00130 00131-00135, 00137, 00143, 00151, 00155, 00157 00200, 00204-00206, 00209-00213 00214-00215 00248 00405-00416 00418 00479