

1 **CALIFORNIA PRIVACY PROTECTION AGENCY BOARD**

2
3 TRANSCRIPTION OF RECORDED PUBLIC MEETING

4
5 **May 15, 2023**

6 **SACRAMENTO, CALIFORNIA**

7
8 Present: JENNIFER URBAN, Chairperson
9 LYDIA DE LA TORRE, Board Member
10 VINHCENT LE, Board Member
11 ALASTAIR MACTAGGART, Board Member
12 ASHKAN SOLTANI, Executive Director
13 VON CHITAMBIRA, Deputy Director of Administration
14 MAUREEN MAHONEY, Deputy Director of Policy and
15 Legislation
16 MEGAN WHITE, Deputy Director of Public Affairs
17 BRIAN SOUBLET, Acting General Counsel
18 NELSON RICHARDS, Assistant Chief Counsel
19 LISA KIM, Senior Privacy Counsel and Advisor
20 KEVIN SABO, Moderator

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24 Transcribed by: MEHREEN RASHEED

25 **FOCUS INTERPRETING**

1 CALIFORNIA PRIVACY PROTECTION AGENCY
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4 MR. KEVIN SABO: Madam Chair, it looks like the numbers are
5 beginning to level off.

6 MS. JENNIFER URBAN: Wonderful. Thank you very much, Mr. Sabo.
7 In that case, let's begin. Good morning. My name is Jennifer Urban.
8 I'm the Chairperson of the Board for the California Privacy
9 Protection Agency. And I'm very pleased to welcome you to this
10 meeting of the California Privacy Protection Agency Board. It's May
11 15th 2023 at 09:04 am. As usual, I have some logistical
12 announcements before we begin with the substance of the meeting.
13 First, everyone, please check to make sure your microphone is muted
14 when you're not speaking. That's largely for those of us on the
15 panel. Additionally, for everyone, please note that this meeting is
16 being recorded. Today's meeting will be run according to the
17 Bagley-Keene Open Meeting Act, as required by law. After each
18 agenda item, there will be an opportunity for questions and
19 discussion by Board members. We also have a designated time on the
20 agenda for public comments. Today, that is agenda item number 9. I
21 will also ask for public comment on each specific agenda item. And
22 each speaker will be limited to three minutes per agenda item for
23 public comments. If you wish to speak on an item and you are using
24 the Zoom webinar, please use the 'Raise Your Hand' function, which
25 is in the reaction feature at the bottom of your Zoom screen. If
26 you wish to speak on an item and you are joining by phone, please
27 press star 9 on your phone to show the moderator that you are
28 raising your hand. That's star 9 if you want to jot that down. Our

1 moderator will call your name when it is your turn and request that
2 you unmute yourself for comments at that time. If you're using the
3 webinar, you can use the unmute button, and if you're dialing by
4 phone, you can press star 6 to unmute. When your comment is
5 completed, our moderator will mute you. If you choose to make a
6 public comment, it is helpful if you identify yourself, but this is
7 entirely voluntary. You can also input a pseudonym when you log
8 into the Zoom meeting. The Board welcomes public comment on any
9 item on the agenda, and it is our intent to ask for public comment
10 prior to the Board voting on any agenda item. If, for some reason,
11 I forget to ask for public comment on an agenda item, and you wish
12 to speak on that item, please let us know by using the 'Raise Your
13 Hand' function, and the moderator will recognize you, and you will
14 then have three minutes to speak. Relatedly, I would like to remind
15 everyone of some of the rules of the road under Bagley-Keene. Both
16 Board members and members of the public may discuss agendized items
17 only. This means that if you are speaking on an agenda item, both
18 Board members and members of the public must contain their comments
19 to that agenda item. Items not on the agenda can be suggested for
20 discussion at future meetings when the Board takes up the agenda
21 item designated for that purpose. It's number 10 today. Please note
22 that we will take breaks as needed, and also that our Board member,
23 Mr. Vinhcent Le, has been delayed and is planning to join us in a
24 bit. Accordingly, we may take agenda items out of order today more
25 than we usually do, so please be aware of that. My many thanks to
26 all of the Board members for their service and to everyone who's
27 working to make this meeting possible. I'd like to thank the team
28 supporting us today. Specifically, Mr. Brian Soublet, who's acting

1 as our meeting counsel, Mr. Ashkan Soltani, who is here in his
2 capacity as our executive director, and several of our deputy
3 directors and counsel who will be presenting today. Thank you all,
4 and good morning. I would also like to thank and welcome our
5 moderator, Mr. Kevin Sabo. Good morning, Mr. Sabo, and ask you now
6 to please conduct the roll call.

7 **MR. SABO:** Board member de la Torre.

8 **MS. LYDIA DE LA TORRE:** Aye.

9 **MR. SABO:** de la Torre present. Board member Le? Board
10 member Mactaggart.

11 **MR. ALASTAIR MACTAGGART:** Here.

12 **MR. SABO:** Mactaggart present. Chair Urban.

13 **MS. URBAN:** Present.

14 **MR. SABO:** Urban present. Madam Chair, you have three presents
15 and one absence.

16 **MS. URBAN:** Thank you, Mr. Sabo. With three members of a
17 five-person board, the Board has established a quorum. I'd
18 like to know-- excuse me. I'd like to let the other Board members
19 know that we'll take a roll call vote on any action items. Agenda
20 item 2 is an update from the chairperson. I actually have no
21 updates of my own. My updates are largely encompassed under number
22 3, the strategic planning update. So, we can go ahead and skip that
23 agenda item today. And I will recall it in a future meeting if
24 needed. So, with that, let's move to agenda item number 3, which is
25 an update on strategic planning from Ms. Von Chitambira, who's our
26 deputy director of administration, and I'm very excited
27 to say that, for once, I won't just be saying we're waiting for
28 the contract. Ms. Chitambira, please go ahead.

1 **MS. VON CHITAMBIRA:** Good morning. I'm happy to report the
2 strategic plan development contract was awarded and executed on
3 April 26th. A strategic plan is a roadmap that defines who we are
4 as an agency, including our vision and mission. It will list
5 specific actions that we'll embark on to achieve our goals. The
6 vendor for this contract was selected through the standard state
7 bidding process. The selected vendor, Sorella Solutions LLC, is a
8 certified small business in the state of California. Their
9 consultants have over 20 years' experience leading strategic plan
10 development in addition to the other consulting services that
11 Sorella offers. Our specific consultants who will be working with
12 CPPA has vast experience working with state agencies. Some of the
13 departments they've worked with include Toxic Substance Control,
14 Department of Aging, Department of Health Care Access and
15 Information, and the Gambling Control Commission. Our contract term
16 is for one year, and we have an option to extend if necessary. Some
17 agencies can take longer than a year. Staff met with the vendor
18 shortly after the contract was executed for a kickoff meeting. We
19 shared some resources with the vendor to help them familiarize with
20 our agency, including our statute. Information on our statute is
21 captured in the statute so this will help them understand
22 our mission before we begin the process. The contractor is
23 currently working on developing the process on how best to proceed,
24 bearing in mind some considerations that are unique to our agency.
25 For example, we are governed by the Board, which is subject to
26 Bagley-Keene, and this can affect scheduling as well as data
27 collection. The vendor is refining the typical standard planning
28 process, and we'll make sure that they take our considerations

1 before our next meeting. We expect to have more information on the
2 strategic planning process at our next Board meeting and possibly
3 a presentation by the vendor themselves in July. Thank you.

4 **MS. URBAN:** Thank you very much, Ms. Chitambira. Questions,
5 comments from Ms. de la Torre and Mr. Mactaggart? Ms. de la Torre,
6 please go ahead. You're on mute, Ms. de la Torre.

7 **MS. DE LA TORRE:** Apologies. Yes, I was wondering if we could
8 have some information on the experience of this vendor with the
9 topic that we regulate, which will be data privacy, data
10 governance. Do they have any experience in that space?

11 **MS. CHITAMBIRA:** Not that I'm aware of, but we can find out
12 and report back. We didn't get into the specifics of privacy and
13 regulations or the topic in general. The guidance, it will be on
14 strategic planning. So, our staff will be giving that information
15 on privacy space, and they'll be leading with the development
16 process of the strategic plan. So, we will tell them what we want,
17 and they will shape the process for us.

18 **MS. DE LA TORRE:** Oh, okay, so I apologize because I haven't
19 served on a board before so I'm not very familiar with the
20 process. So, will the Board have a conversation about priorities,
21 and then that conversation will be, you know, this agency will be
22 present there? I mean, how do we communicate the priorities to this
23 agency or contractor?

24 **MS. CHITAMBIRA:** Yes, the Board will be leading the process,
25 and you will have meetings with the vendor. But since our first
26 meeting, we are working with them and counsel to make sure that we
27 have the appropriate guidance to guide the communication, bearing
28 in mind that some of the meetings will need to be in public, and

1 there are more nuances to how the process will work. But the Board
2 will be leading the process and setting the vision and mission.

3 **MS. URBAN:** Ms. Chitambira, would you mind saying again the
4 agencies, the example agencies that they've worked with? As I
5 recall it, I don't remember all of them that you said, but it
6 sounded like it was a real range of subject matter.

7 **MS. CHITAMBIRA:** They are quite a wide range. One of them
8 is the Gambling Control Commission. There's Department of
9 Healthcare Access and Information, Department of Aging, and
10 Department of Toxic Substance Control. And these are only the ones
11 that the specific consultant we're working with has worked with
12 before. Sorella has worked with other state agencies as well. I
13 only listed the ones that our consultant will be, that she has
14 worked with.

15 **MS. URBAN:** Okay, yes. So, I had heard from that, Ms. de la
16 Torre, that the consultants are able to do strategic planning with
17 lots of different subject-matter focus agencies. That their job is
18 this sort of the process.

19 **MS. DE LA TORRE:** I guess what I'm trying to figure out is when
20 we, the Board, are going to have a conversation. I mean, I
21 understand that they will help translate it into steps and actions,
22 but I imagine that we, the Board, have to have that item in the
23 calendar at some point where we have that conversation. Or is it
24 like we're individually going to have the conversation with the
25 consultants? That's where I'm a little confused. I thought that we
26 had to have a conversation as a board in an open meeting, but maybe
27 I'm confused.

28 **MS. URBAN:** I think that is the plan, yes, Ms.-- I mean, it'd

1 need to be?

2 **MS. CHITAMBIRA:** Yes, that is one of the considerations. It
3 is part of the plan that the Board will have a meeting, all Board
4 members, together with the consultant. The consultant will also
5 gather information from staff, and the information will be
6 presented to the Board. So, when the Board comes up with the
7 mission statement, it will have input from staff as well as and
8 maybe some stakeholders. So, when you decide what your mission,
9 what the mission statement for CPPA it was going to be by you, and
10 I'm referring to the Board, you will have enough information to
11 take into consideration as you make the final mission statement,
12 and how the consultant is going to gather the information is what
13 they are currently working with guidance from counsel to make sure
14 that they are compliant with Bagley-Keene. And if we're going to
15 have public meetings, what is the most efficient way to do it and
16 to ensure that we do meet the timeline that they are trying to put
17 out, and we'll be presenting in July.

18 **MS. DE LA TORRE:** One last question: so from the agencies
19 that they have worked with, are they also boards like our agency,
20 and they are subject to Bagley-Keene so they are familiar with
21 that? Or is this new for them?

22 **MS. CHITAMBIRA:** From what I gather, they have worked with
23 boards. In our discussions, when Bagley-Keene was brought up,
24 it seemed they had some experience, but we didn't get into specific
25 details for how exactly they did it for the other agencies. So,
26 that'd be one of the discussion points when we meet with them
27 again. We're expecting another meeting in two weeks with a vendor
28 before they come to the Board.

1 **MS. URBAN:** Mr. Mactaggart?

2 **MR. MACTAGGART:** Yeah, so what's the deliverable here? Is it a
3 strategic plan just around communications? Is it a strategic plan
4 around the-- what's the deliverable here?

5 **MS. CHITAMBIRA:** The deliverable is a strategic plan that will
6 include our vision statement, our mission, our goals, and the
7 strategies that we'll take to achieve those goals. Typically, the
8 timeline for the strategic plan is typically for goals that we aim
9 to achieve within three to four years, but the timeline will be up
10 to the Board for you to decide. I imagining it may be goals for the
11 next three years.

12 **MR. MACTAGGART:** And how much are we paying for this?

13 **MS. CHITAMBIRA:** We're paying-- I have the number with me.
14 We're paying \$118,448.

15 **MS. DE LA TORRE:** I guess as background because remember
16 Alastair was not here: so, I think a year and a half ago I asked,
17 when are we, the Board, going to have a conversation on the
18 priorities of the Agency in terms of enforcement, in terms of the
19 mission of the Agency that's outlined in the law? Obviously, there
20 are different items and which ones we are going to prioritize. And
21 that conversation has not happened. But I think I understand this
22 contract as it was necessary before we, the Board, even can put it
23 on the agenda to have the conversation. So, that's why I was trying
24 to better understand the process and what to expect.

25 **MS. URBAN:** Thank you, Ms. de la Torre. Yes, Mr. Mactaggart,
26 for your background: the Board was discussing the possibility of
27 strategic planning, more formal strategic planning, starting almost
28 at our inception. I would say Mr. Thompson and Mr. Le both had

1 repeated thoughts about that. I'm certainly supportive, and as we
2 got our package, our rulemaking package fielded last summer, I
3 turned to working to develop a plan to do the strategic plan.
4 Agencies generally work with a vendor for that. It has taken
5 this long to get a vendor and the contract in place, and I really
6 want to make sure to pause and thank Ms. Chitambira for all of her
7 work on this because I know it's been a very, very long process
8 with the state contracting process and finding a vendor so that we
9 can get started with this. I think, Ms. Chitambira, it'll be
10 really important for the vendors, and I'm sure they are on top of
11 this, but that it will be very important for the vendors to
12 understand that a lot of our mission, if not all of it, is defined
13 very carefully in our statute. And so, we can start, you know, from
14 that basis right away.

15 **MS. CHITAMBIRA:** Absolutely. And we did share that with them
16 and, to address Ms. de La Torre's question on the priorities, that
17 is some of the information you'll be communicating with the vendor,
18 and they will include that information in the strategic plan. So,
19 your priorities will then shape the goals and strategies for what
20 we aim to achieve in the next few years.

21 **MS. URBAN:** Thank you. Yes, Mr. Mactaggart?

22 **MR. MACTAGGART:** So, just to-- on your kind of to your, I
23 suppose, most recent point, it does feel like the roadmap for what
24 the Agency's supposed to do is kind of laid out in the statute, and
25 so, I'm just kind of wondering what our, you know, we're going to
26 spend a lot of money here on something, and I'm just kind of
27 wondering, is it really just going to be, whether you should
28 enforce or issue regulations? I mean, I kind of feel like there's

1 not-- like, I'm just, I guess I'm wondering, given how it sort of
2 seems like we know what we need to do right here, and we just--
3 we've done a massive step forward with the regulations, and we need
4 to keep on approving them and begin enforcement. But what's the
5 nuance of what we're expecting? What is this going to tell us that
6 we don't know already, I guess, my question?

7 **MS. CHITAMBIRA:** Sure, it's going to simplify for the public as
8 well as for staff what exactly our priorities are going to be, so
9 it'll spell it out for the next years. The statute is very broad.
10 There's a lot of information involved. But through the strategic
11 plan, the Board will refine it for staff and make it clear what our
12 objectives are, and from those objectives, we can develop KPIs for
13 how we're measuring our progress. It is a state requirement for
14 agencies to have strategic plans, and most state departments, when
15 you go into their website, you'll see that they have a strategic
16 plan on there. We don't have one yet, so we're meeting that
17 requirement, and then you're also helping us as staff to understand
18 what exactly we need to prioritize and when.

19 **MS. URBAN:** Thank you, Ms. Chitambira.

20 **MR. MACTAGGART:** Thanks, I didn't know it was a state
21 requirement. Thank you.

22 **MS. DE LA TORRE:** Yeah, I have a related question. So, we
23 don't need to wait longer to actually have the conversation as a
24 board in the next meeting about what our priorities for enforcement
25 might be. I mean, I think that we need to actually, as a board,
26 look at the list that is outlined in the statute and think about
27 what we feel should be coming first. It's been a while since we
28 were created, and we're going to start enforcing in a couple of

1 months.

2 **MS. URBAN:** Ms. de la Torre, I would suggest bringing that up
3 in the agenda item for future agenda items. I don't disagree. I
4 mean, I think the strategic plan is more of a-- strategic planning,
5 it feels more corporate to me than what I'm familiar with. But my
6 understanding is that it is-- it is a little bit more broad brush
7 than that. For example, we are having our biannual, semi-annual, I
8 can never-- I don't know which, twice a year-- we're having one of
9 our twice-year conversations about rulemaking priorities, and
10 that's much more detailed and less of a general trajectory over the
11 next few years. So, those things are not, I think, in tension.

12 **MS. DE LA TORRE:** Okay, I appreciate the effort of the
13 Agency in getting the mechanics going on so that all of this can be
14 formalized. And I look forward because I think we need to have a
15 conversation as a board to set our-- what we think should come
16 first so that the contractor can include that in their processes
17 and the processes of the Agency. So, I'll add that, the
18 chairwoman's suggestion, at the end of the meeting as a potential.
19 I apologize, it's a little confusing for me. Like I said, I don't
20 have experience in other boards, and when I suggested it, what I
21 expected is that we will just put it on the agenda and have a
22 conversation with the Agency, decide on the implementation process.
23 But I think we're getting close. So, thank you.

24 **MS. URBAN:** Thank you, Ms. de la Torre. Further comments or
25 questions, or shall I call for public comment?

26 **MR. MACTAGGART:** I'll just-- kind of echoing, if it's okay, Ms.
27 de la Torre's comment, you know, I wasn't here when obviously it
28 was decided to go this route, and so I'm mindful of that, and

1 understanding it's a state requirement. I suppose there's a bunch
2 of hoops you got to jump through to make sure that you have one. I
3 just feel like maybe this gets us kick-started longer term. I'm not
4 sure I'm a huge fan of paying this kind of money to consultants
5 when, you know, I feel like this is something that probably we
6 could do ourselves. But, at the same time, I'm going to support
7 this now because, as I said, I'm late to the conversation, and
8 there's a lot on all the staff's plate so adding this would be a
9 lot right now. But hopefully long term it can become somewhat self-
10 perpetuating. Maybe it gets updated, but we may not need to devote
11 these resources outside of the Agency in order to get this done.

12 **MS. URBAN:** Thank you, Mr. Mactaggart. Mr. Sabo, is there
13 public comment on this agenda item?

14 **MR. SABO:** We're on agenda item 3, Strategic Planning Update.
15 If you'd like to make a comment, please raise your hand using
16 Zoom's 'Raise Hand' feature or by pressing star 9 on your phone.
17 Your name will be called when it's your turn, and you'll be invited
18 to unmute yourself. Those dialing in by phone can press star 6 to
19 unmute. You'll have three minutes to make your comment. Again, this
20 is for agenda item 3, the Strategic Planning Update. If you'd like
21 to make a comment, please raise your hand at this time using Zoom's
22 'Raise Hand' feature or by pressing star 9 if you're joining us by
23 phone today. Madam Chair, I'm not seeing any hands at this
24 time.

25 **MS. URBAN:** Okay, thank you very much, Mr. Sabo. Thank you to
26 Ms. de la Torre and Mr. Mactaggart for your thoughts and questions.
27 I think, Ms. Chitambira, we're all curious to see what this is
28 going to look like. I'll look forward to the consultants when they

1 join our meeting to talk with us about that. And again, I thank you
2 for all the work and for updating us on this process.

3 **MS. CHITAMBIRA:** Thank you.

4 **MS. URBAN:** Alright, we continue to wait for Mr. Le.

5 Accordingly, let's move to agenda item number 5 if we could, the
6 Public Affairs Update. Ms. White, are you ready to talk with us
7 about that?

8 **MS. MEGAN WHITE:** I am, yes.

9 **MS. URBAN:** Wonderful, welcome. Good morning.

10 **MS. WHITE:** Thank you so much, and thank you to all the members
11 of the Board. As mentioned, my name is Megan White, and I'm the
12 deputy director of public and external affairs at CPPA. At last
13 month's Board meeting, you kindly concurred my hire--

14 **MS. URBAN:** Sorry, Ms. White, before you begin, can I just
15 break in briefly to welcome you to the Agency? I believe you began
16 just, what, maybe a month ago?

17 **MS. WHITE:** Yes, I officially started my fifth week today. So
18 yes, a month.

19 **MS. URBAN:** Oh, fantastic! Well, we are really delighted to
20 have you. Throughout its inception, and with, I think, every Board
21 member we've had over that time, I know we are all deeply committed
22 to our public awareness and guidance functions, and we are just
23 really delighted to have you here and to hear from you today. So,
24 thank you so much for taking the time to update us, and please do
25 go ahead. I apologize for interrupting.

26 **MS. WHITE:** Oh, no, my apologies, Chairwoman, and thank you
27 again. And, as you can tell, this is my first Board meeting, so
28 I'll know next time to wait for the formal introduction. But as I

1 said, my name is Megan White, and I'm so grateful to join you all
2 here today. And while I am new to the team, as you can tell, I do
3 have a few public affairs and outreach efforts that I'd like to
4 share with you. So, as you're aware, CPPA's outreach to date has
5 primarily centered around encouraging public participation in the
6 rulemaking process and some live public awareness, such as the
7 social media efforts that we will have this week centered around
8 Privacy Awareness Week. And as we move into the next phase of
9 research, our focus will center around educating the public about
10 their rights and how to exercise those rights if they so choose. We
11 will also provide guidance to businesses regarding their duties and
12 responsibilities under the law while being mindful not to step
13 into underground regulation territory. To assist with these
14 efforts, a month ago we put out an invitation to bid on additional
15 media and outreach services to help with research, strategy, and
16 content creation. We're hopeful to have a consultant onboard
17 shortly and to kick off our planning and outreach starting this
18 summer. Our work that I just outlined will be rooted in research.
19 This will include qualitative and quantitative research efforts
20 along with usability testing and user experience research. We will
21 also develop a public affairs strategy. This will include branding
22 and overall outreach campaign strategy for our organization, along
23 with smaller outreach campaigns developed for specific groups. In
24 addition, we will work with the consultant on content creation.
25 This will include a possible website redesign, additional digital
26 content, and the development of ads, infographics, and translating
27 materials into various languages. We're separately working on our
28 complaint system, which we will preview for the Board at a future

1 meeting. I'd like to note that during every step of this campaign
2 planning strategy, we will focus on the messaging being clear and
3 engaging for all Californians. Our focus will be to take complex
4 information and make it easy to understand while ensuring it
5 remains technically and legally accurate. Our research and outreach
6 efforts will be done through the lens of deeply understanding the
7 diversity of our state. For example, we won't simply take materials
8 and translate them from English into various languages without
9 first ensuring the message translates as well. We'll consider
10 approach, tone, and other factors as we create materials for
11 various audiences. And while our general campaign will have a broad
12 focus, we also plan to develop campaigns targeted to specific
13 groups, such as senior citizens, students, low-income populations,
14 those with limited formal education, and any ethnic or at-risk
15 group where English is not their first language. Another important
16 note: the media outreach contract is complementary to, but separate
17 from, the paid media placement contract, which covers the actual
18 buying and reconciliation of paid media ads. I look forward to
19 updating the Board once the CPPA has selected the media outreach
20 services consultant and our work is underway. As a preliminary
21 step, at a recent all-staff meeting, we polled our team to get
22 their feedback on the areas they feel should be the focus of our
23 outreach efforts. Overwhelmingly, they shared that outreach is
24 needed to both consumers and businesses in all areas. For
25 consumers, they feel we should be focused on their rights,
26 including the right to delete, correct, know, opt out of sale and
27 sharing, and limit the use of sensitive personal information. They
28 also stated public outreach is needed on opt-out preference

1 signals, dark patterns, and what to do when you think a business is
2 out of compliance. For businesses, they feel outreach is needed on
3 whether the CCPA, as amended, applies to their business and what to
4 do when a consumer exercises their rights. Of course, I look
5 forward to the Board's feedback as well. As mentioned earlier,
6 outreach efforts will be rooted in research so the first stage of
7 our public affairs outreach strategy will include polling. So, as
8 you have thoughts on topics that should be included in our
9 qualitative and quantitative polling, please either share them with
10 me today or, of course, after I present. Or if they come to mind,
11 you can always send them to me via email or phone call, and I'll
12 make sure that we fold them into our research process. One final
13 note I'd like to share: while we are entering into the next stage
14 of outreach efforts, we are certainly not starting from scratch. Of
15 course, the CPPA team has spoken at conferences, talked with
16 stakeholders and lawmakers, and made numerous strides on the
17 outreach front. And of course, the team will continue to do all of
18 these things. But at the same time, we'll be engaging stakeholders
19 more fully to inform Californians of their privacy rights and how
20 to better protect their privacy if they so choose. We'll conduct
21 further outreach efforts to businesses about their compliance needs
22 and their obligations under the law. And that concludes my formal
23 remarks, and I'm happy to take any questions from the Board. Of
24 course, I'd love to hear your comments as well.

25 **MS. URBAN:** Thank you very much, Ms. White. I have a couple of
26 questions, but I want to open the floor up to the rest of the Board
27 first if either of you have question.

28 **MR. MACTAGGART:** I would just say welcome. You have a giant

1 task in front of you. I always think that privacy is widely held
2 but thinly helped in terms of people. I think it's a good idea, but
3 when it comes time to doing something about it, they're busy, they
4 don't have time to figure out their phone or their settings, and
5 just remind them why it's important and how to take steps to
6 protect their privacy is important. So, you have a herculean task
7 in front of you, and I want to say welcome and good luck.

8 **MS. WHITE:** Thank you. Thank you for the kind welcome.

9 **MS. URBAN:** Yes, I think we all second that, and I think Mr.
10 Mactaggart very nicely articulated some of the views that we've
11 been hearing from the Board throughout our tenure and some of the
12 things that we care about. I also apologize. Apparently, I called
13 you Ms. Le instead of Ms. White. I have Mr. Le on mind because he
14 and Mr. Thompson were the subcommittee looking at public awareness,
15 and I'm sure he would love to be here to hear your presentation. My
16 comment, in addition to Mr. Mactaggart's, with which I fully agree,
17 is that this sounds like a very rich program of efforts, and I
18 commend you. And, as he says, you have your work cut out for you. I
19 was curious about the quantitative and qualitative research that is
20 being planned. Could you say a little bit more about that?

21 **MS. WHITE:** Of course, and I think I'll be able to share more
22 once we have the consultant on board. But our belief as a team
23 when we were writing the contract was that it was really important
24 to poll people and get a good feel for what they already know, what
25 they're interested in but they don't quite understand before we
26 start anything because any public outreach campaign. You know, you
27 need to know what your audience knows, doesn't know, before you can
28 really start to craft the message. Our hope is also to test these

1 messages before we launch the broader campaign. For example, you
2 know, focus groups to ensure that a proposed ad is actually
3 conveying the information that we want it to before we move forward
4 to production, to media buys, things along those lines. So, I'm a
5 firm believer in research prior to spending a whole bunch of money
6 on something that might not be hitting our target audience. So,
7 those are just the general early thoughts in terms of outreach,
8 quantitative and qualitative.

9 **MS. URBAN:** Wonderful, thank you. Thank you, Ms. White. That
10 makes a lot of sense to me based on my own more academic research
11 in the past. One of the things that we found was that people's
12 understanding didn't always align with what was happening in the
13 marketplace. Even though their understandings might have been very
14 reasonable, they didn't necessarily align with what was happening
15 in the marketplace and what theoretically they might understand
16 from reading privacy policies and so forth. So, research to help
17 make sure that the message and the information that is intended to
18 reach the public is actually going to be available and
19 understandable and have that message get to the public, I think is
20 really important so I appreciate that aspect of a very rich suite
21 of efforts in particular. Ms. de la Torre?

22 **MS. DE LA TORRE:** Yes, quickly. I wanted to join in welcoming
23 our new member to the team. I have a question. I understand and
24 appreciate all of the work that you laid out, but I was not able to
25 piece out of that explanation if there is going to be more of reach
26 out beyond-- is there going to be reach out to organizations that
27 engage with the community or directly to the community, and yes, in
28 general, and then in particular, if there would be opportunities

1 for some of the Board members that may wish to help with that
2 outreach, to participate in the outreach. Thank you.

3 **MS. WHITE:** Absolutely, wonderful question. And yes, we would
4 love to have the Board's assistance. And I know you all are very
5 busy, but as you see fit, opportunities for you to be part of the
6 more grassroots aspect of the campaign, which in my mind includes
7 creating partnerships. That's the external affairs part of my job,
8 is creating partnerships, and through these partnerships, trust in
9 members seated within the community. If they're relaying our
10 message to members of the community, that generally has a bigger
11 impact on individuals. And I'm just speaking off of the research
12 that I'm familiar with of public and outreach efforts. But when a
13 trusted source, such as a community organization, is the one
14 conveying the information, it tends to have more trust by the
15 community so I absolutely agree. A real focus is going to be
16 identifying those groups and those partnership opportunities,
17 cultivating those opportunities, and then ensuring that the message
18 is delivered accurately to the communities that we are targeting.

19 **MS. DE LA TORRE:** Thank you so much for sharing that. I,
20 personally, know there are opportunities, in particular, to reach
21 out to the Spanish-speaking community. I would love to be able to
22 participate in those to learn more about their concerns around how
23 their information is managed. And also, for women, given the
24 different concerns that the collection of information has created
25 now because of the approaches that other states are taking to
26 women's healthcare. If there are opportunities for me to support
27 that I will be very much looking forward to those. Of course, if
28 there is any other way that I can support this, let me know. But

1 those areas are of special interest to me.

2 **MS. WHITE:** I really appreciate you sharing that. I will
3 certainly keep that in mind. And definitely, we would love to have
4 your assistance in both those areas.

5 **MS. URBAN:** Thank you, Ms. White. Mr. Sabo, do we have public
6 comments on this agenda item?

7 **MR. SABO:** So we are on agenda item 5, Public Affairs Update.
8 If you would like to make a comment on this agenda item at this
9 time, please raise your hand using Zoom's 'Raise Hand' feature or
10 by pressing star 9 on your phone to unmute yourself. Your name will
11 be called when it's your turn, and you'll be invited to unmute
12 yourself. And those dialing in by phone can press star 6. You'll
13 then have three minutes to make your comment. I'm seeing Natalie.
14 I'm going to unmute you at this time. Again, You'll have three
15 minutes. Please proceed when ready.

16 **MX. NATALIE:** Thank you. I just have one question for Ms.
17 White. I didn't hear a timeline. Do you happen to have one that we
18 could go by as far as in preparation?

19 **MS. URBAN:** Thank you very much, Natalie, and I think Ms. White
20 will take it under advisement. I think it is probably timely for me
21 to offer the disclaimer that I always have to offer, that none of
22 us are particularly fond of, which is that because of Bagley-Keene
23 and other constraints we generally-- sometimes we get a question
24 that can be answered right at the moment, but usually we need to
25 take things under advisement and come back at a future meeting. So,
26 thank you very much for the question. That's an important one, and
27 I believe that we will hopefully hear from Ms. White with some more
28 detail fairly soon.

1 **MS. WHITE:** Absolutely. Happy to bring it back at a future
2 Board meeting.

3 **MS. URBAN:** Thank you so much, Ms. White. Mr. Sabo, do we have
4 further public comments at this time?

5 **MR. SABO:** Again, this is for agenda item 5, the Public Affairs
6 Update. If you'd like to make a comment at this time, please raise
7 your hand using Zoom's 'Raise Hand' feature or by pressing star 9
8 on your phone. Last call for agenda item number 5, Public Affairs
9 Update. Madam Chair, I'm not seeing any further hands.

10 **MS. URBAN:** Thank you very much, Mr. Sabo. Much appreciated.
11 Thank you, Ms. White, and again welcome. We're really happy to have
12 you here. I'm looking forward to hearing more soon on public
13 affairs.

14 **MS. WHITE:** Thank you. Thank you so much for the opportunity to
15 present today.

16 **MS. URBAN:** So, with that, I'm just having a look over the
17 agenda. Let's continue with agenda item number 6. And for any of
18 these, if things come up that we find we want to recall when Mr.
19 Le arrives, we can do that. But let's go ahead with agenda item
20 number 6, which is a policy and legislation update from our deputy
21 director of policy and legislation, Ms. Maureen Mahoney. Ms.
22 Mahoney, welcome. Thank you for joining us today, and I will hand
23 the floor to you.

24 **MS. MAUREEN MAHONEY:** Thank you, Chairperson and members of the
25 Board, for the opportunity to provide a legislative update. I'll
26 cover four main topics in today's update on legislation that the
27 staff is tracking, starting with an overview of California
28 legislation, an update on the federal privacy landscape, and then

1 finally brief updates on multi-state and international engagement.
2 And it should be about five minute. With respect to California, we
3 wanted to make sure that several bills are on the radar of the
4 Board. The Board may want to take a position on several of them at
5 our next meeting, ideally no later than early- to mid-July. And
6 again, this is just an update, not an item for formal action. We
7 felt it was important to keep the Board informed in order to allow
8 the opportunity for meaningful input. So first is a Bagley-Keene
9 bill in California that would affect the Agency. SB 544 would allow
10 state agencies to continue to hold board meetings remotely. It
11 would require a minimum of one staffer to be at a physical location
12 where the agency would take testimony from the public. For context,
13 staff have been supportive of measures that would promote broader
14 participation from the public and allow the Agency to operate more
15 efficiently with our limited resources. So, the bill has passed out
16 of the Senate Judiciary Committee, and it's on the Senate floor,
17 but there was significant pushback from members of the committee
18 who spoke in favor of requiring a quorum of Board members to be
19 physically present at board meetings. Next, several CCPA-related
20 bills. First, I wanted to mention SB 362, which would transfer the
21 data broker registry from the Department of Justice under the ambit
22 of our agency and creates a global deletion system so consumers can
23 delete their data from all data brokers in a single step. The
24 Agency has provided technical feedback on the bill and a fiscal
25 estimate to Senate Appropriations. Next, AB 947 would add
26 immigration and citizenship status to the definition of sensitive
27 personal information under the CCPA. AB 1546 would align the AG
28 statute of limitations under the CCPA with the Agency's. So, the

1 Agency's is five years. The DOJ's is one year. So, this would raise
2 the DOJ's statute of limitations to five years. AB 1194 would
3 strengthen reproductive privacy protections by clarifying that CCPA
4 exemptions don't apply when it's related to searching for or
5 procuring contraception or abortion services, for example. And the
6 next, AB 331, has to do with automated decision-making. That would
7 prohibit deployers of automated decision-making systems from using
8 these technologies in a way that results in algorithmic
9 discrimination. It requires impact assessments and provides for an
10 opt-out of automated decision-making. So, this did raise concerns
11 for staff in that the Legislature is seeking to step into an area
12 where the Agency is already tasked with issuing regulations. So,
13 we've flagged our concerns in that respect for the author. Next,
14 I'm going to move on to the federal update. So, we have an update
15 on the American Data Privacy and Protection Act, the ADPPA. As you
16 know, the Board voted last July to oppose the bill as currently
17 drafted as it could significantly weaken California's privacy
18 protections by seeking to preempt nearly all the provisions of the
19 CCPA and other state privacy laws. The bill advanced out of House
20 Energy and Commerce last year, but it didn't advance further than
21 that and died at the end of the year, at the end of the session.
22 However, the political landscape is different with the Republican
23 majority in the House, and House E&C has done, you know, six
24 hearings on privacy. The chair, McMorris Rodgers, put out a recent
25 statement indicating that the committee is still very interested in
26 a preemptive federal privacy bill, although we understand that
27 there are concerns in both houses about the bill in its current
28 form. The bill has not yet been reintroduced as of when I last

1 checked before this meeting, suggesting that stakeholders are still
2 negotiating the language of the bill. However, our understanding is
3 the new ADPPA could be introduced soon and marked up and even hit
4 the House floor this spring or early summer and cross over to the
5 Senate, where it will likely face more resistance. It'll likely be
6 even less privacy-protective this year. In terms of engagement, the
7 Agency has been coordinating closely with the California
8 Legislature, the attorney general, and the governor's office, and
9 I'm actually currently in the D.C. area in advance of legislative
10 briefings, including a presentation in front of the California
11 congressional delegation this week on the bill. Other legislation
12 that we're monitoring on the federal level that could affect
13 Californians is Senators Blumenthal and Blackburn's Kids Online
14 Safety Act, which was just reintroduced. The previous version
15 advanced out of Senate Commerce last summer. The introduced bill
16 requires covered platforms to act in the best interest of minors,
17 defined as under 17. Another bill that was just reintroduced in the
18 Senate, an update to the Children's Online Privacy Protection Act,
19 Senator Markey and Cassidy's Children and Teen Online Privacy
20 Protection Act, also known as COPPA 2.0 to extend COPPA's opt-in to
21 data collection requirement to teens and prohibits targeted
22 advertising to children and teens, among other protections. We're
23 watching both to monitor the impact on California's privacy rights,
24 and both bills could advance out of the Senate this summer. Next, a
25 brief multi-states update. There have been a lot of developments in
26 the states with respect to privacy. A handful of states recently
27 adopted, or appear very close to adopting, privacy laws, including
28 Montana and Texas, which both have a number of similarities to the

1 CCPA. We've been monitoring these closely and providing technical
2 assistance to encourage consistency in privacy protections with
3 our law where possible as directed by our statutes. And then
4 finally, with respect to international developments, as you know,
5 the Agency is already a member of the Global Privacy Assembly, an
6 international body of over 130 data protection and privacy
7 authorities. And I just wanted to briefly mention that the Agency
8 has recently been approved to join the Asia-Pacific Privacy
9 Authorities, or APPA. It's for privacy agencies in the Asia-Pacific
10 region to share information and ideas about privacy law,
11 technological developments, and addressing consumer complaints. And
12 in general, we expect to step up our engagement in international
13 bodies in the coming years to help encourage consistency in privacy
14 protections. So, thank you. I'm happy to answer any questions and
15 welcome any feedback that you have.

16 **MS. URBAN:** Thank you very much, Ms. Mahoney, for this
17 apparently comprehensive, certainly complex, set of updates. Just
18 as a clarifying question, I apologize, I was jotting things down as
19 you said them: the law that relates to data brokers, I missed, is
20 that SB 362?

21 **MS. MAHONEY:** Yes, correct.

22 **MS. URBAN:** Okay. I didn't manage to get the number when you
23 said it, and I just wanted to match it up in my head with what I
24 was familiar with. Thank you so much for that. So, Mr. Soublet, I
25 realize that it would not be appropriate for us to take positions
26 on any of this. I don't think Ms. Mahoney is asking us for that at
27 this time, but because that would have to be specifically noticed
28 on the agenda. Is it appropriate, however, for us to sort of talk

1 about these bills as a board?

2 **MR. BRIAN SOUBLET:** It would be appropriate to talk about it
3 but not to take any action with respect to it because they haven't
4 specifically been listed as items that would be-- that action would
5 be taken on the agenda.

6 **MS. URBAN:** Thank you. Thank you, Mr. Soublet. And, Ms.
7 Mahoney, could you also give us a little-- I know we talked about
8 this when we worked on setting the regular meetings for considering
9 legislation, one of which will likely be in July because of the
10 California legislative schedule. But could you give us a little bit
11 of an update? I understand the federal schedule from what you said,
12 but for the California schedule, how do these bills fit into their
13 decision-making process?

14 **MS. MAHONEY:** Sure. Well, a general overview of the California
15 legislative session is that as bills are introduced in the first
16 house, they would have to advance out of that first house by June
17 2nd. And then the California legislative session ends September
18 14th so bills would have to advance out of the Legislature by that
19 point, and then the governor would have about a month to sign those
20 bills. So, you know, most bills are still in the first house at
21 this point, but soon, you know, we'll get a better sense of which
22 ones are moving forward into the second house.

23 **MS. URBAN:** Thank you. Thank you very much. Okay. Questions or
24 comments from Board members? I would just say, wow, privacy
25 continues to be on the legislative agenda, and that's exciting. Mr.
26 Mactaggart, and then-- I apologize. Ms. de la Torre was first and
27 then Mr. Mactaggart.

28 **MS. DE LA TORRE:** Okay, thank you. Thank you for the

1 brief presentation. I appreciate receiving that information. It
2 sounds like in the future, we might have an opportunity to have a
3 conversation depending on what moves forward, and I look forward to
4 that. Could we have an understanding of what kind of information
5 will be prepare by your office so that we can prep for that? Are
6 you going to provide summaries of those proposals that we think are
7 moving forward, maybe a recommendation from the Agency? What should
8 the Board expect to prepare for that meeting?

9 **MS. MAHONEY:** Thank you for that question. Yes, exactly. So,
10 this was just intended to be a brief overview to put it on your
11 radar, and then we'll provide much more detailed information in
12 advance of any meeting where the Board would be expected to take a
13 vote. So, we'll be providing a bill summary analysis of provisions
14 to pay particular attention to and then staff's recommendation. So,
15 overall, it'd be quite similar to the information that we provided
16 on ADPPA when the Agency took a position on the bill last year.

17 **MS. DE LA TORRE:** Okay, thank you so much. Well, I have a
18 second question related to the membership of the Agency in
19 different organizations that enable interaction between enforcement
20 agencies. I appreciate the update. I'm very glad to hear that we're
21 moving in that direction. I have a very concrete question, and then
22 a general question of how the Board is integrated into that. So, my
23 concrete question is have we reached out to join the Ibero-American
24 Data Protection Network? Is that in our radar? Is it a group that
25 brings together all of the data protection authorities in Latin
26 America? I know the FTC often attends those meetings as well. And
27 the secretary for that group is the Spanish agency. Is that in our
28 radar?

1 **MS. MAHONEY:** That hasn't been yet. So, I really appreciate you
2 flagging it, and we will definitely look into that further.

3 **MS. DE LA TORRE:** Happy to provide information and connections
4 so that we can explore that possibility. In terms of these
5 different networks and just events that enable connectivity with
6 other agencies, is there going to be an opportunity for members of
7 the Board that might want to attend some of those meetings to
8 volunteer to participate? And how will that be handled? Are we
9 going to maybe see a projection of next year? We're going to attend
10 this and that meeting at the Board meeting, and then perhaps
11 members that are willing to volunteer to join those meetings can
12 have that conversation, or is that something that maybe might
13 happen more in the background through the chair or through the
14 staff of the Agency. It's okay if we don't have a concrete idea. I
15 just want to understand what we are thinking.

16 **MS. MAHONEY:** Good question. Correct. We don't have a concrete
17 idea yet. We're still, you know, feeling out these different
18 organizations to figure out how the Agency might want to engage.
19 But certainly, you know, Board member input would be appreciated.

20 **MS. DE LA TORRE:** Thank you.

21 **MS. URBAN:** Thank you, Ms. de la Torre. And do I understand,
22 Ms. de la Torre, I think that I understood that you were
23 expressing-- I don't want to put you on the spot. But that you were
24 expressing an interest or willingness to be involved with--?

25 **MS. DE LA TORRE:** I think so. In the past for the last year
26 global meeting, I remember that there was a conversation but, I
27 apologize, I don't remember if it was part of the Board meeting or
28 maybe a conversation with the staff on whether members of the Board

1 might be interested and available to join that meeting. I don't-- I
2 recall that none of us were there, but I was just wondering if
3 there's going to be like a process at the beginning of the year
4 where we say, you know, we're going to attend all of these meetings
5 that typically involve international travel, and I understand that
6 there has to be some coordination because only two members can
7 attend. So, I was trying to figure out how we are thinking about
8 that.

9 **MS. URBAN:** Okay, thank you. Well, I was-- okay, I will not put
10 you on the spot. I was thinking maybe we could gather interest or
11 willingness, but yes, that's helpful. Thank you, Ms. Mahoney, for
12 thinking about that for us. Mr. Mactaggart?

13 **MR. MACTAGGART:** Thanks. So, a couple of points. The first one
14 has to do with the legislation in California. So, am I
15 understanding-- and I'm sorry. I'm not sure I heard the-- or I'm
16 not sure I listened closely enough to your answer to Ms. de la
17 Torre there. With respect to the Agency or the Board, you know,
18 taking a position on the legislation, are you going to-- is the
19 staff planning to come back to us to recommend us that we take a
20 position on anything at a later date once it looks like something,
21 you know, before, I guess-- because if a threshold-- if a timing is
22 approaching for a committee hearing wouldn't it be, I think, useful
23 for people to know how we stand on these things. So, I'm kind of
24 wondering about whether that's our plan for a future meeting?

25 **MS. MAHONEY:** Yes. You know, ideally, the Board would be able
26 to take a position no later than early- to mid-July. So, staff will
27 be coming back to members of the Board with legislation that they
28 may want to take a position on with a detailed memo about the bill

1 and the staff's recommendation.

2 **MR. MACTAGGART:** In case it's helpful just on that, you know,
3 with respect to this one-year statute of limitations versus the
4 five-year, that was certainly not something that I intentionally
5 put in the, you know, in the drafting. So, I think that's a very
6 helpful fix and to the extent that's useful in your review of
7 things. And then the second thing, and not to put you on the spot
8 in case you're not, you know, an expert but certainly you're more
9 expert than I am, just in terms of good, indifferent, bad or more
10 privacy protections, middle of the road, and less privacy, with
11 respect to the-- you were talking about Montana and Texas, other
12 legislation that's being considered that's passed or passing-- I
13 think it could be useful for folks to know what your thoughts are
14 on other states' legislation.

15 **MS. MAHONEY:** Sure. So, we are seeing a variety of different
16 bills, some, you know, a bit closer to California than others. Some
17 of the main things we're looking for when we provide technical
18 assistance or evaluate legislation in other states is whether or
19 not it's easy for consumers to exercise their rights. For example,
20 is there a requirement for businesses to honor browser privacy
21 signals as a global opt-out? Is there a prohibition on dark
22 patterns and obtaining consent, making it more likely that
23 consumers are able to exercise their preferences? You know, we also
24 look to the definitions to see that they're comprehensive. So, I
25 pointed out a couple, Montana and Texas, they do have a number of
26 those provisions: you know, our requirement with respect to a
27 global opt-out on our browser privacy signals, prohibitions on dark
28 patterns, and a bit more comprehensive in the information that they

1 cover. Other states, you know, for example, Iowa and Indiana, have
2 preferred, you know, models that are a bit closer to what we've
3 seen in Virginia and Utah, that are a bit less easy for consumers
4 to exercise and generally narrow provisions and definitions.

5 **MR. MACTAGGART:** Great, and just out of interest, are we
6 getting a lot of requests from other states, from legislators,
7 "Hey, can you look at this? Is this good? Is this bad?" Is this
8 something that we're seeing a lot of from the Agency? To us?

9 **MS. MAHONEY:** Increasingly, we are. We're still a relatively
10 new agency so a lot of our work is just to raise awareness, to, you
11 know, let folks know that we're out here to be a resource. But
12 states like Vermont and Hawaii have asked us to testify before
13 their committees to provide an overview of the California law so
14 that they're aware of what's already being required of many
15 companies.

16 **MR. MACTAGGART:** I guess my comment here, Chairperson Urban
17 and the rest of the Board, and to Director Soltani, would just be
18 I'm a huge fan of any assistance we can provide to other states.
19 And obviously, we're a bit further down the runway than some, most
20 of the states, so I think it's well worth devoting resources to
21 sort of proselytize about privacy around the country. So, well
22 done. I'm glad you're doing this.

23 **MS. URBAN:** Thank you, Mr. Mactaggart. 1798.199.40. Is it 'l,'
24 Mr. Mactaggart? I like to tout that one.

25 **MR. MACTAGGART:** Pardon. Pardon. Sorry. Say that again? I
26 missed that.

27 **MS. URBAN:** 1798.199.40 maybe 'l?' I think it's 'l.'
28 Cooperating with other jurisdictions and working to have privacy

1 laws that work together. Anyway, I like to tout that whenever I'm
2 talking with anyone because I think it's really important, and it's
3 in the spirit of what you were saying to Ms. Mahoney.

4 **MR. MACTAGGART:** Yeah, it is 'l.'

5 **MS. URBAN:** Okay. Alright. Thank you so much, Ms. Mahoney. I
6 have quite strong opinions on Senate Bill 544. I think that it
7 would be terribly short-sighted of the Legislature not to provide
8 more flexibility in board meetings and the public's ability to
9 attend board meetings. It is far more accessible for many people to
10 be able to attend by Zoom. It is more accessible if you are not in
11 the area where the board is physically. It's more accessible for a
12 lot of people with disabilities. It is potentially more accessible
13 for board members who have jobs and children and disabilities and
14 things like that. So, I do understand the desire to have a physical
15 space where people can go, and so the bill seems to have that as a
16 component. But I confess myself slightly frustrated with the
17 opposition to providing more accessible options for everybody who's
18 involved so that we can all serve the public as effectively as
19 possible. I was wondering about the Senator Blumenthal and
20 Blackburn's bill. And, as Mr. Mactaggart said, I also don't want to
21 put you on the spot if this bill isn't fully baked or you're not
22 fully familiar with it, but I was wondering if you had any comments
23 on how it related to the Age-Appropriate Design Act in California
24 that was passed last year. Is it a similar model? Is it different?
25 Is it trying to do something differently or the same? I just, I
26 don't know it very well, and I don't have a good picture in my mind
27 for it.

28 **MS. MAHONEY:** Sure. So, I'd say that the intent is largely the

1 same: to place more responsibilities on businesses to put
2 children's best interests front of mind. And then, you know, the
3 Kids Online Safety Act is a little bit more focused on providing
4 parents and children with consumer-friendly tools in order to
5 exercise their preferences, whereas Age-Appropriate Design Code
6 focuses a bit more on, you know, establishing several default
7 protections to strengthen privacy. So, I would say overall they
8 have kind of general intent, but certainly, the devil's in the
9 details in terms of how they implement those protections.

10 **MS. URBAN:** Thank you, Ms. Mahoney. And does that bill, do you
11 know if it currently has a preemption provision?

12 **MS. MAHONEY:** It does speak to preemption to a certain extent.
13 You know, it's largely silent on preemption. But there are certain
14 areas of law that are carved out of preemption. For example, with
15 respect to student privacy. So, how it relates to California or how
16 it would affect California law will be fact-specific and require
17 kind of a detailed analysis of how the provisions of the bill
18 interact with California law.

19 **MS. URBAN:** Wonderful. Thank you. Mr. Sabo, do we have public
20 comments, or would you mind calling for public comments if there is
21 any on this agenda item?

22 **MR. SABO:** Yes, we are on agenda item 6, Policy and Legislation
23 Update. If you'd like to make a comment, please raise your hand
24 using Zoom's 'Raise Hand' feature or by pressing star 9 on your
25 phone. Your name will be called when it's your turn. You'll be
26 invited to unmute yourself. Those dialing in by phone may press
27 star 6 to unmute. You'll have three minutes to make your comment.
28 First, we have Natalie. Natalie, you have been unmuted. Again, you

1 have three minutes. Please proceed when ready.

2 **MX. NATALIE:** Thank you. This is for Ms. Mahoney. It was-- when
3 you were mentioning the bills, you said Senate Bill 544, and then
4 there was Senate Bill 362, but I missed the one in between. Can you
5 just provide me that number? I could go ahead and research it on my
6 own.

7 **MS. MAHONEY:** Chair, should I go ahead and respond?

8 **MS. URBAN:** My apologies. Yes, if you have it handy. Yes, my
9 apologies.

10 **MS. MAHONEY:** Alright, thank you for the question. The bills
11 that I discussed related to California are SB 544; SB 362, the data
12 broker registry bill; AB 947, which would add immigration and
13 citizenship status to the definition of sensitive personal
14 information; AB 1546, the statute of limitations bill; AB 1194,
15 which has to do with CCPA and reproductive privacy; and then AB
16 331, which has to do with automated decision-making.

17 **MX. NATALIE:** Okay, great. Thank you.

18 **MS. URBAN:** Thank you very much, Natalie. Mr. Sabo, do we have
19 further public comment?

20 **MR. SABO:** Yes, next we have Josh Brewer. You've been unmuted.
21 Again, you have three minutes. Please proceed when ready.

22 **MX. JOSH BREWER:** Hello. Can you hear me?

23 **MS. URBAN:** We can. Please go ahead.

24 **MX. BREWER:** Thank you for the opportunity to comment on this.
25 I would just-- I would love to see the Board in kind of its
26 trailblazing position and data privacy law in the country and as so
27 many other states kind of look to California to set the trend on
28 things. I would love to see more robust definitions in upcoming

1 legislation around AI. And for example, there's an attempt in this
2 AB 331-- there's an attempt to get into some of that by talking
3 about algorithmic discrimination and artificial intelligence
4 automated decision tools. There's an attempt to kind of get into
5 what do these terms actually mean, but I would love to see more
6 robust definitions. For example, I represent a client that hires,
7 and they use an automated tool to assist in hiring. But they
8 program the tool with just yes/no questions. For example, if I'm
9 hiring a chemistry professor, they're going to ask the question,
10 "Should the chemistry professor have a master's in biochemistry,
11 yes or no?" And so, to me, even though that's automated, the system
12 is automatically going to screen out candidates that do not possess
13 that. That's-- that's an automated decision. I don't consider that
14 to be algorithmic. I don't think that that's AI involved in
15 screening that candidate. But again, I think the way that this bill
16 and a lot of bills throughout the nation are worded, I think it's a
17 gray area of when do we cross the line into algorithmic or into
18 artificial intelligence? So, to the extent that you guys have the
19 way to influence that type of legislation, I would love to see more
20 robust definitions and really give us a clear idea of when is
21 artificial intelligence considered artificial intelligence if that
22 makes any sense. Thank you for the time.

23 **MS. URBAN:** Thank you very much, Josh, for the-- for the
24 comment. Much appreciated. Mr. Sabo, is there further public
25 comment?

26 **MR. SABO:** Again, this is for agenda item 6, Policy and
27 Legislation Update. If you would like to make a comment on this
28 agenda item at this time, please raise your hand using Zoom's

1 'Raise Hand' feature or by pressing star 9 if you're joining us by
2 phone this morning. Your name will be called when it's your turn,
3 and you'll be invited to unmute yourself. This is the last call for
4 agenda item 6, Policy and Legislation Update. Madam Chair, I'm not
5 seeing any additional hands.

6 **MS. URBAN:** Thank you very much, Mr. Sabo. I appreciate it, and
7 I appreciate the public comments on this agenda item. Ms. Mahoney,
8 we very much appreciate all the work that you're doing to track
9 policy and legislation and help provide the support to those who
10 are working on bills in our area that you discussed. I also, before
11 you leave, I do also want to express my deep gratitude to you for
12 all the pinch-hitting you've done throughout the last year. Ms.
13 Mahoney joined us just about a year ago, and she's been pinch-
14 hitting on public affairs, for example, until Ms. White joined us,
15 while at the same time demonstrating her obviously deep expertise,
16 thoughtfulness, and ability to juggle a lot of different pieces of
17 information at once in helping us keep track of and fulfill our
18 role with regards to policy and legislation. If I recall correctly,
19 Ms. Mahoney, you joined us not long before we released our draft
20 rulemaking package for Board discussion in May of 2022. We, soon
21 thereafter, had a Board meeting, our first in-person Board meeting,
22 and Ms. Mahoney came to the Board meeting, and our deputy director
23 of policy and legislation sat behind a table and checked people in
24 and handed out masks and has just generally been more than willing
25 to do what is needed as we build the Agency, and I wanted to just
26 thank you, Ms. Mahoney, for being such a stellar member of the
27 team, both within the realm of your own expertise and in general,
28 as we've been growing. So, thank you so much for all of that. We

1 really do appreciate it. Thank you for the update, and we will look
2 forward to discussion of the bills that live for which you need to
3 give us advice and need us to take a position when the time is
4 appropriate. Thank you so much, Ms. Mahoney. Okay, let's go ahead
5 and move to agenda item number 9, which is Public Comment on Items
6 Not on the Agenda, to give everyone an opportunity to let the Board
7 hear what they would like. We will return to other items on the
8 agenda later in the meeting. If we can go ahead and do that, let me
9 just scroll down there on the agenda and make sure I have the
10 number correct. Alright. It is agenda item number 9. As a reminder,
11 the panel, or the Board members who are here, may not discuss or
12 act on any matter raised during this public comment section, except
13 to decide whether to place the matter on the agenda for a future
14 meeting. It may at times seem as though we're being unresponsive,
15 and we do not intend that. It is simply important for us to do this
16 in order to comply with Bagley-Keene and make sure that both the
17 Board's goals and the speakers' goals are best met. So, we will
18 listen today if you have public comments on anything not on the
19 agenda, but we won't be able to respond in the moment. With that,
20 we will look forward to anything anyone has to say from the public.
21 If there is anyone, Mr. Sabo, please call for it now.

22 **MR. SABO:** We're on agenda item 9, Public Comment on Items Not
23 on the Agenda. If you'd like to make a comment, please raise your
24 hand using Zoom's 'Raise Hand' feature or by pressing star 9 on
25 your phone. Your name will be called when it's your turn, and
26 you'll be invited to unmute yourself. Those dialing in by phone can
27 press star 6 to unmute. You will have three minutes to make your
28 comment. Again, this is for agenda item 9, Public Comment on Items

1 Not on the Agenda. If you'd like to make a comment, please raise
2 your hand using Zoom's 'Raise Hand' feature or by pressing star 9
3 if you're joining by phone. This is the final call for agenda item
4 9, Public Comment on Items Not on the Agenda. Madam Chair, I'm not
5 seeing any hands this time.

6 **MS. URBAN:** Thank you very much, Mr. Sabo. In that case,
7 perusing the agenda, we have talked about strategic planning. We've
8 talked about public affairs. We've talked about policy and
9 legislation. That leaves us with the discussion, an update and
10 discussion, of our annual Board meeting calendar and regulations
11 proposals and priorities and the New CPRA Rules Subcommittee
12 update. Mr. Le is a member of the New CPRA Rules Subcommittee. The
13 regulations proposals and priorities discussion should really have
14 us all here, and I know that Mr. Le expressed some thoughts about
15 the calendar in our last meeting and before. So, what I'd like to
16 do is take a recess to give him time to arrive since he has been
17 delayed through no fault of his own. And suggest that we recess
18 until noon. Yes, Mr. Mactaggart?

19 **MR. MACTAGGART:** Madam Chair, can I just ask what the policy is
20 on this? Because last time I was not able to make the meeting, and
21 it was held without me.

22 **MS. URBAN:** Actually, Mr. Mactaggart, we talked about some
23 things, and then we made sure that we did not talk about items like
24 this without you.

25 **MR. MACTAGGART:** Yeah, I just-- okay, I'm a big fan of Mr. Le.
26 I just-- I feel like if there's a policy around this, it would be
27 helpful for everybody.

28 **MS. URBAN:** Thank you. I will take that under advisement, and

1 this is also a bit of an emergency situation so it was not
2 expected. There wasn't really any way to plan for it. In any case,
3 I would like to go ahead and take a recess and see everybody back
4 here at noon Pacific Time, and I will look forward to it. Mr. Sabo,
5 will you be able to keep the meeting open?

6 **MR. SABO:** Yes.

7 **MS. URBAN:** Okay, great. Thank you.

8 [Recess]

9 **MS. URBAN:** We are waiting for Mr. Mactaggart it looks like.
10 Alright, we'll give him a minute or two to join. And Mr. Sabo, are
11 you ready whenever we are?

12 **MR. SABO:** I'm always ready.

13 **MS. URBAN:** Thank you, Mr. Sabo. Alright, now that Mr.
14 Mactaggart has joined us, let's come back from recess and
15 restart the meeting. This meeting of the California Privacy
16 Protection Agency Board is returning from recess at 12:03 pm on
17 Monday, May 15th. Welcome back everyone. Welcome to the meeting,
18 Mr. Le. We're very pleased to see you. For Mr. Le's benefit, and
19 the benefit of anyone who may be joining us after not having
20 attended all of the earlier part of the meeting, let me just
21 explain where we are in the agenda. So we have completed agenda
22 items 1 through 3, so that's through the Strategic Planning
23 Update. We've also completed agenda items 5 and 6, the Public
24 Affairs Update and the Policy and Legislation Update, and agenda
25 item number nine, which is a time for public comment for items not
26 on the agenda. We have remaining to discuss today agenda item
27 number four, which is our Annual Board Meeting Calendar Update,
28 agenda item number seven, Regulation Proposals and Priorities

1 Discussion, and agenda item number eight, a report from the New
2 CPRA Rules Subcommittee, and number 10, Future Agenda Items, in
3 addition to Adjournment. So, thank you all very much for rejoining.
4 And Mr. Le, I do apologize that you missed some of the discussions.
5 I'm sure staff would be more than willing to update you on what was
6 discussed under those items. With that, let's dive into agenda item
7 number four, the Annual Board Meeting Calendar Update. For this
8 agenda item, Executive Director Ashkan Soltani, will be providing
9 us with an update consisting of the regularized calendar that has
10 been discussed over the course of several Board conversations over
11 the last few months. As hopefully everyone will recall, the Board
12 has simultaneously been working on what I've referred to as
13 substance rulemaking at the moment, some public awareness work,
14 along with some legislative review. With Ms. White's update, I
15 think we're all excited about more public awareness work, and with
16 Ms. Mahoney's update, I think we're anticipating perhaps some more
17 legislative review, and some building work where we are building
18 out our practices, policies, and of course, the Agency itself. So,
19 we discussed regularizing discussions of topics that are perennial,
20 especially those that happen on state calendar cycles where our
21 input needs to fit smoothly into those. This includes, for example,
22 the legislative cycle, the budget cycle, and the regulations cycle.
23 We've talked about individual items to slot into those over several
24 meetings. We talked about the budget in December. We talked about
25 legislation in December. We talked about rulemaking in March. The
26 materials for those, including explanatory memos from staff, are
27 all available under the relevant meeting on our meeting page. And
28 we had an extended discussion about a regularized calendar in

1 general on our March 3rd meeting, but it's something we've been
2 talking about for a while. I think there's been a general desire on
3 all of our part to be able to have something that we can use to
4 sort of just plan ahead and know what's coming. Understanding, of
5 course, that things also come up, and there will be additional
6 things. So, staff have been working to implement this plan, and I
7 will turn it over to Mr. Soltani to bring us up to speed. Thank
8 you, Mr. Soltani.

9 **MR. ASHKAN SOLTANI:** Thank you, Chairperson Urban, and thank
10 you all. First off, I just wanted to say happy Privacy Awareness
11 Week and happy Mother's Day yesterday to everyone's families. Some
12 of you might be aware it's Privacy Awareness Week here in
13 California. And I wanted to thank staff for all their updates,
14 demonstrating how far the Agency has come along in those days since
15 my-- as Chairperson Urban outlined back when the exec team was also
16 handing out masks and setting up furniture at our Board meetings.
17 So, I wanted to particularly want to flag that Ms. White left out
18 all the amazing work she's done already in the short month that
19 she's been with us both internally, we had Public Service
20 Recognition Week last week, but publicly as well for our APPA
21 announcement that was Ms. Mahoney mentioned, as well as Privacy
22 Awareness Week, which starts today. We will be putting out a set of
23 announcements over the course of the week to help inform
24 Californians of their risks to their privacy including highlighting
25 the recommendations by sister agencies like the DOJ, FTC, and even
26 organizations like the AARP. I understand our first post already
27 went up to social media today so just wanted to share that as
28 Privacy Awareness Week, and I hope that it's the first of many

1 efforts as we do to raise awareness. So, with that, I'll just jump
2 into the opportunity to present the regularized calendar. And as
3 Chairperson Urban highlighted, this is an accumulation of all the
4 various items Board members have brought up or staff have
5 recognized are necessary to discuss over the course of the year.
6 It's modeled mostly after what other boards and bureaus do,
7 although many just meet quarterly for multiple days at a time to
8 conduct board business. However, based on the conversations in the
9 March and December Board meetings, I understood the Board to prefer
10 to meet more frequently. So, we chose six times over the course of
11 the year, and the calendar was designed to meet and discuss certain
12 items at appropriate times. For example, before we begin budget
13 planning or to respond to pending legislation, as Ms. Mahoney
14 highlighted. Note the proposed calendar only shows regular items.
15 It doesn't include additional topics that may come up in addition
16 to additional meetings that may come up, for example, for
17 rulemaking or, you know, enforcement actions or even, you know,
18 emergency or other meetings that come up like the one we did last
19 summer. One last point: certain items that will occur will be their
20 first occurrence, and so we may move those up in the calendar,
21 which I'll get into in a second. And that will allow the Agency to
22 get certain tasks underway for this year, and then we'll fall under
23 the regular calendar. Importantly, in order to implement the
24 calendar, we had to identify dates that don't conflict with state
25 holidays and provide us ample time to notice the calendar in
26 accordance with the Bagley-Keene. And we've looked carefully at the
27 state holiday calendar. We've looked at availability, and we've
28 identified the second Friday of the proposed months: January,

1 March, May, July, September, and November with one slight
2 adjustment for potentially one holiday. And this is the regular
3 date that the Board will be set to meet. And importantly, you know,
4 these dates will also let us schedule things like the-- and plan
5 for the in-person meetings, right? So, under Bagley-Keene, we'll
6 need to now plan quite a bit ahead in terms of travel and booking a
7 location, etc. Mr. Sabo, do you mind sharing that calendar, and
8 I'll walk through? Great, thank you. And so if you can zoom out a
9 tiny bit. In January, as the budget will be the planned January 10
10 budget and BCP discussion will occur, and then the Board can
11 provide input at that point, as we did this year, to provide
12 direction for budget changes, spring and May Revise. In March,
13 we'll go over the public awareness priorities, although as I
14 mentioned, we decided to do that one this month here in May as we
15 just had our public awareness-- public affairs director start. May,
16 this month, we're doing the regulations-- the biannual or twice a
17 year regulations proposals and priorities. And so we're going to do
18 that here in May and again in November. And that's where the Board
19 will discuss the priorities-- the regulations priorities until the
20 next time we meet. That's again separate from the actual substance
21 of regulations, where we meet-- the Board meet to discuss and
22 approve or, you know, regulations, etc. In July, this is when we
23 will meet to hear and take positions on pending legislation. And as
24 Ms. Mahoney laid out, that's opportune time as it traverses from
25 the first house to the second house, you know, importantly as bills
26 get through Appropriations and on their way to the second house.
27 That's also the time where we wanted to meet to discuss the budget
28 plan for the next year's BCP. So, you know, we have to prepare

1 those in the fall and so getting started in the summer is ideal so
2 we can start doing the research for hiring, etc. September, we had
3 slated for enforcement, the annual enforcement report out on
4 priorities. However, as we haven't started enforcing yet, we plan
5 to potentially do this one in July, just when we have the deputy
6 director of enforcement start and just give the Board-- we won't
7 have to read out, obviously, but the Board will have some ability
8 to understand and provide input on enforcement priorities.
9 September is also when we need to do some administrative tasks like
10 things like the delegation of authority, as well as a hiring
11 update. I know one Board member had asked for reports on our
12 diversity and inclusion metrics, which we will have through the
13 state process at this point, but that occurs every August. And then
14 lastly, again, in November, we'll have an opportunity for the Board
15 to consider and suggest potential legislative proposals that the
16 Agency wants to put forward. Our biannual or twice a year
17 regulations proposals and priorities discussion, along with the
18 one we have in May. And then, in addition, our-- my annual review,
19 which we performed, or what you all performed, last year. So, I'll
20 leave this up on the screen for a second if folks want to ask any
21 specific items, or we can stop sharing, and I'm happy to take input
22 or answer any questions that come up.

23 **MS. URBAN:** Thank you so much, Mr. Soltani. I'd also just like
24 to highlight that the biannual regulations proposals and
25 priorities, this is the discussion of collected items, priorities
26 for coming efforts with regards to items that occur to Board
27 members they would like to alert staff to. As we've discussed,
28 there's both the opportunity to alert staff individually at that

1 time and also when we do the Future Agenda Items, if you'd like to
2 alert everybody in the public setting, then please do bring them up
3 at that time as well. These are not at all mutually-exclusive
4 options, and I have made a note to myself to remind people of that
5 each time we do the meeting. So, I just wanted to be sure that we
6 were clear about that because we talked about both of these things
7 at one time, if I recall correctly, in the last meeting. And I'd
8 also like to thank you and Mr. Laird, who I know worked really hard
9 to make all the different calendars, budget, the legislative, and
10 all that fit together, and to everybody in advance for what I know
11 will be a significant logistical lift in order to send us back to
12 in-person meetings because we'll have to get space and audiovisual
13 equipment and all of that. So, thank you very much. Questions or
14 comments from Board members? Please use the 'Raise Your Hand'
15 function if you can. Oh, actually, now that the screen is no longer
16 shared, I can see you so either one. Mr. Mactaggart?

17 **MR. MACTAGGART:** Sorry. Director Soltani, could you just
18 clarify? I didn't quite catch what you said, and maybe it was what
19 the Chair just said, but the regulations in May, and then you said
20 something, but that's not also the meeting. What was that? What
21 were you saying?

22 **MR. SOLTANI:** Sorry if that's unclear. So, the May and November
23 biannual or twice-- twice-yearly regulations proposals and
24 priorities is simply the meeting where the Board will bring up or
25 will discuss regulations items that have been brought up over the
26 course of the year or regulations items that the Board would like
27 to see worked on. That's not the actual meeting where we, the
28 Board, meets to review the, you know, the regulations package

1 that's put forward, right? So, if you recall last fall, the Board
2 met to approve kind of revisions to the regulations or met in, I
3 think, in February to finalize the regulations. Those are separate
4 from these meetings. They could very well occur on one of these
5 months, or they could have their own separate meeting.

6 **MR. MACTAGGART:** So, how are you envisioning this happen if,
7 you know, there's three or four regulations that Board members sort
8 of support and it comes up? So, are you suggesting there be a
9 separate standalone, or would it just be, oh, on these two dates is
10 when we kind of consider all the ones that come up and have staff
11 recommendation?

12 **MR. SOLTANI:** Yeah, all the new ones that come up essentially
13 or when we want to reprioritize things because essentially this
14 gives us the six-month roadmap of what staff can work on in between
15 that time and start pulling together different packages. I know
16 today, Ms. Kim has her regulations priority discussions, which
17 capture a number of the suggestions the Board has made over the
18 course of the last really year or so of regulations, topics, and
19 items, as well as things staff have identified through the
20 rulemaking process that may need to be addressed. And so today
21 we'll talk about how to order that list and what's missing off that
22 list and what staff should prioritize working on, recognizing that
23 we also have a major regulations package that we're working on as
24 part of the New Rules Subcommittee work. So, it's really, you know,
25 these times to figure out how to dedicate staff resources and on to
26 what.

27 **MS. URBAN:** Although I believe if there were an
28 emergency, of course, we've would, you know, something urgent, we

1 would address it at that time. The other thing that I don't know
2 that I heard you say, Mr. Soltani, but might be helpful: Ms. de
3 la Torre and I went to rules school, but I don't think anyone else
4 has had the opportunity. I highly recommend it. But OAL, the Office
5 of Administrative Law, generally wants us to give advance notice of
6 our rulemaking for a year, and so that November meeting gives us an
7 opportunity to help staff prioritize so staff can meet that
8 requirement as well. Okay, thank you. Other comments or questions?
9 Ms. de la Torre? You're on mute.

10 **MS. DE LA TORRE:** Apologies, I was on mute. Thank you,
11 Chairperson, and thank you, Director Soltani, for putting this
12 together for us. I just wanted to confirm a couple of things. I
13 think I heard you say that it will be the second Friday of the
14 month that we should kind of block for these meetings to occur. Is
15 that--?

16 **MR. SOLTANI:** That's correct.

17 **MS. DE LA TORRE:** I heard correctly? Okay, thank you. And then
18 the second thing, and I think that you pointed to this, that this
19 is what we know is going to happen every year, but there's going to
20 be different things that happen that don't repeat over the years.
21 This year, I anticipate from the subcommittee where I work, the New
22 Rules Subcommittee, there is going to be a need for time, Board
23 time, to discuss, you know, the different options for those rules
24 and eventually process those rules. So, that's not included here.
25 We will overlay it on the calendar as we think it's appropriate.
26 And then the second thing that I have been thinking about for a
27 while is I asked a while back about hiring of the auditor, which I
28 understand to be a Board-selected position, and I imagine that we

1 will have to do the interviews as we did prior as a board. And that
2 I'm not sure how it fits with the calendar, but I just wanted to
3 express that since we are going to in-person meetings, and I recall
4 in the interview it takes a lot of time to do interviews, and
5 unfortunately, we didn't get that done in time to take advantage of
6 the Zoom version of meetings, I will appreciate if we could think
7 about how to streamline that interviewing process. I don't know if
8 maybe we can create a subcommittee or just do things in a way where
9 we try to streamline the time that the Board has to dedicate to
10 that hire because I would prefer to avoid meetings that go over
11 four hours, if we could. Again, thank you for your work.

12 **MS. URBAN:** Thank you, Ms. de la Torre, and yes, at least my
13 understanding, and staff has not disabused me of this, is that we
14 can fit other items as needed into these meetings. We can also look
15 for times for one-off meetings if we have spillover items or we
16 have items again that come up that need to be addressed before they
17 could be addressed on the calendar. It's very helpful to, again,
18 I've noted that down again here, your thoughts about timing and
19 very helpful to think about the chief privacy auditor in light of
20 in-person meetings. I believe, please don't hold me to this because
21 I will ask counsel to be sure, but I believe that we will need to
22 be in-person, but we would be able to ask interviewees to Zoom.
23 However, that said, it is absolutely the case that we should try to
24 be as efficient as possible with that position. So, thank you, Ms.
25 de la Torre. Any other comments or questions? Mr. Le?

26 **MR. VINHCENT LE:** Yeah, I just wanted to add that, you know, I
27 appreciate staff for putting together this regular schedule. I know
28 we've been asking for this, and I appreciate having, you know, much

1 advanced notice of when we'll be reviewing certain topics. So,
2 thank you, Director Soltani, and thank you, staff, for putting this
3 together.

4 **MS. URBAN:** Thank you, Mr. Le. Well, I think we have some
5 expectations in hand, which is wonderful and can do some planning
6 ahead. This schedule is on the website with the other meeting
7 materials, right, Mr. Soltani, so we can refer to it? Wonderful.
8 Thank you very much. Mr. Sabo, would you please ask if there's
9 public comments on this item?

10 **MR. SABO:** We are on agenda item 4, Annual Board Meeting
11 Calendar Update. If you'd like to make a comment on this agenda
12 item, please raise your hand using Zoom's 'Raise Hand' feature or
13 by pressing star 9 on your phone. Your name will be called when
14 it's your turn, and you'll be invited to unmute yourself. Those
15 dialing in by phone may press star 6 to unmute. You'll then have
16 three minutes to make your comment. Again, this is for agenda item
17 4, Annual Board Meeting Calendar Update. If you'd like to make a
18 comment, please use Zoom's 'Raise Hand' feature or press star 9 if
19 you're on phone. This is the last call for public comment on agenda
20 item 4, Annual Board Meeting Calendar Update. Madam Chair, I'm not
21 seeing any hands.

22 **MS. URBAN:** Thank you very much, Mr. Sabo, and thanks to
23 everyone for their thoughtful comments to the executive director,
24 and thank you again, Executive Director Soltani and staff, for all
25 the work on this. I will look forward to seeing it in operation.

26 **MR. SOLTANI:** Okay, thank you all as well. I just wanted to
27 appreciate how much this helps with the, if we do go in-person,
28 how much this will help for planning so thank you all for

1 supporting this calendar. Thank you.

2 **MS. URBAN:** Thank you, Mr. Soltani. With that, let's move to
3 agenda item number 7 entitled "Regulations Proposals and Priorities
4 Discussion." I would ask everybody to turn their attention to the
5 chart that is included in your meeting materials for today under
6 this agenda item, and that's on the website if you need to obtain
7 it. This is our first semi- or biannual-- I think I've looked this
8 up many times and indeed you can use both for both, which is very
9 frustrating. Anyway, twice yearly-- discussion of collected
10 rulemaking proposals and rulemaking priorities. To place this in
11 context, our major package updating the CCPA regulations in light
12 of the California Privacy Rights Act was approved and took effect
13 on March 29th. And we are, as Executive Director, Soltani mentioned
14 a minute ago, presently in the midst of preliminary rulemaking
15 activities on some important topics related to automated decision-
16 making, cybersecurity audits, risk assessments, and I'm sure Ms. de
17 la Torre and Mr. Le will let us know if I left something out when
18 we get to the next agenda item. We'll hear further from them in a
19 little bit. As a reminder, this is our regularized discussion of
20 the item staff has had a chance to preliminarily review and is
21 ready for us to discuss and prioritize. If you have new items, you
22 can bring them up for potential inclusion under today's agenda item
23 for future agenda items or alert them separately. With that, I'll
24 ask again everyone to turn your attention to the chart, which I
25 believe Ms. Kim is going to refer to, and turn it over to Ms. Lisa
26 Kim, our Senior Privacy Counsel and Advisor. With my thanks, Ms.
27 Kim, please go ahead.

28 **MS. LISA KIM:** Thank you. Good afternoon, everyone. So, as

1 discussed throughout the previous rulemaking meetings over the last
2 year, staff have compiled a list of suggestions for additional
3 rulemaking topics for consideration and prioritization by the
4 Board. This list basically includes a few buckets. First, they
5 include topics previously considered by the Board in our initial
6 draft of the regulations but were held back to ease implementation.
7 Secondly, it includes topics that were identified by the Board that
8 were not implemented due to resource and timing considerations. And
9 third, it includes topics raised by lawmakers for consideration by
10 the Board. Staff prepared the chart that you see in front of you,
11 or that was included in the meeting materials, identifying all of
12 these topics. We have already reviewed the suggestions at a high
13 level to determine that we have the legal authority to work on them
14 and/or the ability to work on them, albeit within the difficulty
15 level identified. Please note that there are also some items such
16 as minor language improvements as well as non-substantive or
17 general cleanup changes based upon insights that we received during
18 the rulemaking process, and those are not included in the chart
19 below as they'll be incorporated into future revisions. An example
20 of one of these is that in section 7053(a)(3), there is an example
21 listed there that uses the term "may" as opposed to "shall." And so
22 those are the kinds of things we are going to take a quick look at,
23 a closer look at, and provide some information to include in future
24 cleanup items. These are insights that we received during the
25 rulemaking process. We'll provide draft language on these items
26 based upon the Board's input on priorities as well and the bundling
27 of topics for future rulemaking packages. With regard to turning
28 your attention to the chart, regarding the topics in the chart, we

1 have basically listed them in order of difficulty. For example, we
2 have those in green, and that, you know, A-K-A easy level of
3 difficulty, and then some in blue, A-K-A easy-to-medium level
4 difficulty. And with regard to those two-color differentials, at
5 the Board's discretion, staff can prepare language for the Board to
6 review when the appropriate rulemaking package is prepared for the
7 Board to review, or otherwise, we can update the Board on our
8 progress during our next rulemaking discussion. For the other
9 color-coded items, we'd like to discuss which of the topics, if
10 any, the Board would like staff to prioritize, taking into
11 consideration the staff's already existing rulemaking priorities.
12 As the Board may recall, staff is currently working on regulations
13 implementing CCPA's provisions on cybersecurity audits, risk
14 assessments, and automated decision-making. We are also analyzing
15 the Insurance Code to determine whether any regulations are
16 necessary to provide greater protection to consumers in addition to
17 a number of administrative regulations relating to the Agency's
18 operations that staff are evaluating as well. Given these resource
19 constraints, staff is likely only able to take on a maximum of two
20 yellow-orange topics or one red topic within the time of our next
21 regulations discussion based on the annual rulemaking calendar Mr.
22 Soltani presented earlier. That said, staff understands that none
23 of the yellow-orange or red items are urgent and need to be
24 addressed within the next six months. With that in mind, staff
25 seeks direction from the Board as to which items they would like us
26 to prioritize. For the topics the Board instructs the staff to move
27 forward on, staff will prepare language for the Board to review
28 and/or update the Board on our progress during future Board

1 meetings. However, we do recommend that the Board provide staff
2 discretion regarding how to proceed to best move these items
3 forward, for example, whether to split them up and include them in
4 more than one rulemaking package, or include them in packages staff
5 are already working on, etc. I will now walk the Board through the
6 chart of topics. I'm happy to take any questions that you may have
7 along the way.

8 **MS. URBAN:** Before you start, could I ask a clarifying
9 question? Was I understanding you to say that if the Board
10 were to prefer to ask staff to work to implement all of the green
11 and all of the blue, that would be alright?

12 **MS. KIM:** Yes.

13 **MS. URBAN:** We can treat them as one chunk if we choose?

14 **MS. KIM:** Yes.

15 **MS. URBAN:** And then in terms of resources, we need to pick
16 from the remaining colors?

17 **MS. KIM:** Yes.

18 **MS. URBAN:** Okay, thank you. I apologize. I just wanted to be
19 sure I had it straight.

20 **MS. KIM:** Yes, thank you. Thank you for that clarification.
21 So, moving forward on these items, I'll walk you through the ones
22 listed on the chart, and feel free to stop me if you have any
23 questions. Beginning first with the green section 7004. In 7004, we
24 intend to, upon the Board's direction, we can include language that
25 was previously held back to ease implementation and to harmonize
26 with Colorado regulations. 7013, we've identified is to include
27 language that was previously held back to ease implementation in
28 that section. In Article 3, one of the changes is to require

1 businesses to include in their responses denying consumer request
2 information about where the consumer can submit a complaint. In
3 addition, with regard to Article 3, the topic would be to include
4 language harmonizing requirements for the different consumer
5 rights. 7024(h), we would revise language to ensure that businesses
6 provide consumers the opportunity to request all of their personal
7 information and not just 12 months of it. 7028, we would reinsert
8 language regarding opting back in after having exercised the
9 request to limit. 7302(c)(1), the change would be to clarify that
10 an in-person hearing can be requested even when it is not a hearing
11 open to the public. With regard to the blue item, 7002(e), the
12 topic would be to insert language that a consumer can withdraw
13 consent at any time. And 7026, it would be to insert language
14 requiring businesses to comply with a request to opt out of sale or
15 sharing in a timeframe that is commensurate to the timeframe it
16 sells or shares the personal information. Now moving on to the
17 yellow and orange sections, the topic for 7003 is to require
18 specific disclosures, such as the notice of collection for mobile
19 applications, to be accessible in the app store prior to
20 downloading. 7050(a)(4) would be to revise data security purposes
21 for which service providers and contractors can use personal
22 information. 7027 would be to revise and/or add exceptions to the
23 right to limit, including for HR or employee data, a prohibition on
24 health-related research, and changes to the security incidents
25 language. 7002, the topic is to identify purposes for which
26 businesses can use consumer personal information, for example,
27 exceptions to the purpose limitations. Article 4 is to provide
28 template or standard forms for service providers or contractor

1 contracts. And then the next topic is voluntary certification, to
2 draft regulations to implement this option of voluntarily
3 certifying that you are to comply with the CCPA. On to the red or
4 pink items, 7003 would be to include a reading standard for
5 disclosures and/or provisions that make disclosures more
6 accessible. Article 2 would be to provide model notices and/or
7 other disclosures. Article 7 would be to provide additional
8 guidance regarding financial incentive programs. And then the next
9 item would be business-to-business data, to draft regulations
10 regarding this topic and consider whether employment-related
11 communications during employment falls within the trade secret
12 exception. The next topic is employee data, to draft regulations
13 regarding employee data and to consider whether any exceptions or
14 specific rules should apply to employee data. And finally, access
15 to social media APIs to require social media companies to provide
16 API for consumers' agents. Now these are all the topics, and I'm
17 happy to take questions expanding on any of these or if the Board
18 would like to discuss any of these topics.

19 **MS. URBAN:** Thank you. Thank you so much, Ms. Kim. I think that
20 was really clear. I'm amazed that you so efficiently were able to
21 present so much disparate information. I have a favorite, but I'm
22 going to turn it over to the rest of the Board first and ask if
23 they have comments or questions. Mr. Le?

24 **MR. LE:** Yeah, I have favorites as well, but I just wanted to
25 reiterate one of the points that Mrs. Kim made earlier about staff
26 resources. I think there are several red and pink, or sorry, orange
27 and pink items that I would like to see staff, you know, approach.
28 But I think one thing, you know, sitting on the subcommittee on the

1 new rules, you know, we've been able to make much more progress
2 recently because staff resources have been made more available
3 after the initial rulemaking undergoes update. So, I am very
4 sensitive to, you know, diverting staff resources to, you know,
5 these important issues before we're able to get, you know, the new
6 rules into, you know, proper rulemaking. So, I just wanted to say
7 that first. And, you know, as the rest of the Board members think
8 about what to prioritize and how to choose between, you know, a lot
9 of these important topics, to really think through how that would
10 impact the timeline for the new rules because, you know, I am very
11 sensitive to that, and I imagine many of us here on the Board and
12 on the call are also sensitive to those issues.

13 **MS. URBAN:** Thank you, Mr. Le. That's very helpful. And Ms.
14 Kim, I understood your analysis of what is a reasonable set using
15 staff resources took into account that you are working on the major
16 package? Okay, alright. Thank you, Mr. Le. Other comments or
17 questions from Board members?

18 **MR. MACTAGGART:** Yeah, I have a bunch of specific things I want
19 to kind of go through and ask when the time is right, but just to
20 echo, I think, what Mr. Le was saying, you know, I'm not sure if
21 the Board, it makes sense for us to kind of individually say, "Oh,
22 choose this one over that one, and do this one first." I mean, I
23 think at some point delegating authority to the executive means,
24 you know, delegating authority. I think what's almost as, I guess,
25 my suggestion would be was almost as useful, I think, for the
26 public, if they know the Board supports a certain rule and then it
27 will be forthcoming at some point, that, I think, is a very
28 valuable signaling tool for, you know, industry as they

1 look at things because this happens in other areas of law, tax for
2 example, where, you know, a tax authority will say, "You know,
3 we're going to publish regulations to do X, Y, and Z." They haven't
4 published yet, and then folks kind of know, "Okay, well, that
5 direction is, you know, being-- we should move in this direction,
6 for example, because that's where the regulations are coming." So,
7 I think, you know, what I'd like to suggest is if we all are in
8 favor, whatever the packages are being today, that, I think, is an
9 achievement, and then telling or instructing the executive to do
10 what they can in the best way they see it, I think, is commensurate
11 with our, you know, our duty not to try to micromanage them.

12 **MS. URBAN:** Thank you, Mr. Mactaggart. Other questions? Ms. de
13 la Torre?

14 **MS. DE LA TORRE:** I just wanted to mention that I agree with
15 what we've shared. It seems to me that there is an "if"
16 conversation and a "when" conversation, and as to the "when," I
17 think that we should give the Agency the space that it needs to
18 help us work through any possible changes and improvements. The
19 "if" conversation is more appropriate for the Board to have. I'm a
20 little sensitive to the fact that it's been a long meeting already,
21 and I'm not sure how long we want to dedicate to going through this
22 list since some members have detailed suggestions. I just wanted
23 to mention that I'm open to potentially moving this to the next
24 meeting if we feel that's appropriate. If we don't complete the
25 conversation in this meeting, I would prefer that than having a
26 meeting that lasts three more hours, two more hours. I'm not sure
27 what the preference is for the other Board members, but I wanted to
28 express mine. Thank you.

1 **MS. URBAN:** Thank you, Ms. de la Torre. I have a legal question
2 and a process question for staff. Mr. Soublet, are you available
3 for the legal question?

4 **MR. SOUBLET:** Yes.

5 **MS. URBAN:** Thank you. In principle, I absolutely support
6 delegating to staff choosing when-- I think Ms.-- let me back up
7 and just say I think Ms. de la Torre put it very nicely. There's
8 the "whether" to do something, and then there's the "when" to do
9 something. My understanding is that we do have to give direction on
10 "whether" because we cannot delegate our rulemaking authority. But
11 could we just delegate the "when" and put that in under staff's
12 discretion? Would that be acceptable?

13 **MR. SOUBLET:** Yes, I mean technically you can't delegate to
14 staff the final authority on the adopting of the regulations. And
15 that's why we have the motions once the staff comes up with the
16 proposal and the language is agreed upon, then you can delegate the
17 authority to move it forward, but that is a decision that has to
18 come from the Board so you can direct the staff to, you know, we
19 will give you the authority to go ahead with the proposals that you
20 believe are appropriate to move forward now, and then the "when" is
21 when they need to bring it back to you for final approval before
22 going forward.

23 **MS. URBAN:** Okay, alright. So, it would be okay if we were, for
24 example, if I were to formulate a motion that simply directed staff
25 to work on any of the items on the list in the order that they
26 think they should be prioritized against resources and timing, and
27 then they could come back to us with language when they were ready.
28 So, that would be legally okay? Alright, then thank you. And then I

1 have a process question. I am in general very much in favor of
2 leaving discretion to staff, who are experts and are in the
3 trenches every day thinking about this very deeply. At the same
4 time, I want to be sure that I'm sensitive to the fact that staff
5 may want to have our direction on certain things, and I think that
6 we should provide that input and provide that time if it's
7 something that staff feels would be helpful and that they would
8 need. So, for that, I would like to check with you, Ms. Kim, on
9 your preference.

10 **MS. KIM:** It would be helpful, especially with regard to any of
11 the red items, to know just generally if there is a desire by the
12 majority of the Board members to prioritize them. It would just
13 help because it's almost like a shotgun approach if you say we
14 could do anything. It requires us to look at everything to a
15 certain level of degree in order to, you know, inform the Board
16 from an educated point of view. So, if there is a priority by the
17 Board, it would be helpful for us to hear, albeit it could be
18 several, but if there is at least some type of consensus as to what
19 is coming to the forefront.

20 **MS. URBAN:** Okay, thank you, Ms. Kim. That's really helpful,
21 and that seems sensible to me as well. Given that, I propose that
22 the first thing that we do is check with the Board to see if there
23 is anything on this list that Board members do not want to
24 authorize staff to move forward on. Is there anything on the list
25 that anyone on the Board would like to not authorize staff to move
26 forward on? Ms. de la Torre?

27 **MS. DE LA TORRE:** So, I'm sorry, but I don't know that I can
28 answer that question because some of the descriptions are not fully

1 clear to me. I think that we have to better understand each one of
2 them to, at least for me.

3 **MS. URBAN:** Okay. So, further steps would be necessary at this
4 point for you. Okay, Mr. Le?

5 **MR. LE:** You know, this is an interesting question. It's not
6 like I don't want them. I think, actually, you know, Article 4
7 providing templates and standard forms for service provider or
8 contractor contracts and Article 2 model notices and other
9 disclosures. I think those are actually very important to me. I
10 think those would really help businesses, but I think for me,
11 that's a "when" question, and I don't think staff should move
12 forward with that now. I think it would be helpful to see, you
13 know, how industry responds and kind of see, you know, what, you
14 know, just to get, not so, you know, that the Agency isn't getting
15 ahead of the industry and how they develop their contracts and be
16 able to see examples. So, that, to me, I think important things
17 would be helpful for businesses, but maybe not right away. So, I
18 would like to see kind of staff wait on that, those two, but, you
19 know, eventually get back to those because I do think those would
20 be helpful, especially for small businesses.

21 **MS. URBAN:** Thank you, Mr. Le. I fully agree with you with
22 regards to the model contracts, the orange one. I think it makes
23 very good sense to see what develops and, you know, let industry
24 work to solve the equation in the way that works best for them. My
25 favorite was the model notices for the benefit of consumers and
26 because, if I recall the public comments we received correctly,
27 there were a number of requests for such a thing. But I hear the
28 wisdom in what you're saying, and to the extent that this

1 conversation is helpful for staff, I think, you know, we can just
2 have it, and they can decide sort of what the trade-offs are as
3 they go forward. I absolutely hear the wisdom of what you're
4 saying. Yes, Mr. Le?

5 **MR. LE:** Yeah. And I agree with that. I think, you know,
6 especially the model notices and other disclosures, small
7 businesses could definitely use those. I'm just not, yeah, not
8 quite sure when staff should be putting, you know, the thing that
9 their fingers out there on, you know, the scale on how that should
10 be done perfectly. Maybe there's a less verbose way that businesses
11 are approaching it. So, yeah, maybe sooner rather than later for
12 that one, and maybe later for the templates and standard forms.
13 But, yeah, maybe that's a good one, I think, for us to highlight to
14 staff that I think the Board, at least two Board members, find
15 important. And if we delegate to them on what's the best time to do
16 that. But, yes, I do think the model notice and other disclosures
17 should happen, probably before the standard forms for the
18 contracts.

19 **MS. URBAN:** Thank you, Mr. Le. Other thoughts? Other-- I know,
20 Mr. Mactaggart, you said you had a list of thoughts. I think now
21 would be a great time.

22 **MR. MACTAGGART:** Well, and I'm sorry, those are the ones that
23 we're bringing up either-- yeah, yeah.

24 **MS. URBAN:** Oh, for future? Okay, alright. Yeah, we'll hit
25 those when we hit our agenda item, great. Thank you very much.

26 **MR. MACTAGGART:** And I think, you know, just on the, if we were
27 going to prioritize, you know, first of all, I think, and I'm
28 sorry, I apologize if Ms. Kim, if you mentioned this, I do think

1 the AI, this automated decision-making, is so important just
2 nationally at this point that I would put all this on hold to get
3 those regulations addressed first, I think. Then, in this list, if
4 we assume that the blues and the greens are there, you know,
5 personally, I feel like the one that's in statute that's just
6 specifically very clear in statute is that the notice, a disclosure
7 notice has to be available before you download the app in the app
8 store so that you know what you're getting into, so to speak, and
9 you don't just kind of blindly go into it, and that's a yellow
10 here, and I think I just don't think we have any choice in statute,
11 and I think that's an important one, and then the one in the purple
12 that I'm kind of a big fan of is trying to figure out a way around
13 the employee data, not with respect-- with respect, kind of, to the
14 work product. So, that's, I think, 145 and because employee data is
15 already protected under California law. But, you know, if you think
16 about the work product of the employees during the time they've
17 been employed, that, to me, is something that is not privacy
18 protected. I would like to get that trade secret area examined as
19 soon as possible.

20 **MS. URBAN:** Thank you, Mr. Mactaggart. I think you probably saw
21 heads nodding about the automated decision-making package. So, I
22 think that staff hopefully knows we're behind them a hundred
23 percent on that work. Ms. de la Torre?

24 **MS. DE LA TORRE:** Yes, quickly, since we are now, I think,
25 talking about the things that we see as priorities instead of
26 things we want to eliminate. So, I have two quick things that I
27 wanted to bring up, which are not per se on the list, but they're
28 related to the list. One is revising the current rules to do

1 something that, I think from a legal perspective, is helpful in any
2 document, which is capitalize the defined terms and use the
3 capitalization consistently. Colorado did that, and I find it
4 really helpful when I read the rules. There is one word in our
5 statute, in particular, which is "collect," which is a defined
6 term, but sometimes in the rules, I think we are using it not
7 necessarily as a defined term so just simply taking that approach
8 of making sure that the definitions are capitalized throughout the
9 rules, I think, could add clarity. So, I will urge the staff to
10 look into that. It's not necessarily a substantial change, but it's
11 just trying to make the information more clear and accessible. The
12 second thing that I wanted to mention is the idea of defining the
13 term of "controller" and "processor" in the rules and using those
14 terms consistently throughout the rules. This, again, wouldn't
15 necessarily change the meaning of the rules, but I think it will go
16 a long way to make the information more accessible to the
17 compliance professionals that are working to understand and
18 implement the rules. I think it will also make it possible for
19 contracts that aim to comply with California law to be more
20 consistent with those that are mandated now by eight other states.
21 And, not just as well, to the point that the Chairperson made
22 before about making information more accessible to consumers, I
23 think to the extent that we can think about whether it's possible
24 for us to align our terminology with the terminology of the other
25 states that have enacted, we will make it less confusing for the
26 consumer as right now they are exposed to just multiple notices
27 depending on the state where they reside. They might change the
28 state. Just, I think a better tracking approach. I open this for

1 discussion, and I think that if we decide that this is something to
2 look into, I will consider prioritizing it because, as we draft the
3 new rules, if we decide that it is a good approach to consider
4 defining controllers and processors, obviously the new rules will
5 be drafted using that terminology, and I think they will better
6 align to existing frameworks such as Colorado. So, for that reason,
7 I will suggest that if there's agreement within the Board on the
8 idea of looking into that possibility, we prioritize it so that we
9 can implement it already in the New Rules Subcommittee. Thank you.

10 **MS. URBAN:** Thank you, Ms. de la Torre. So, that is a new item?
11 The last one? About the controller definition? It's not on--

12 **MS. DE LA TORRE:** There's-- So, I'm not-- I'm not sure what
13 were the things that were suggested in prior meetings, I don't have
14 that list. I don't remember personally referring to this
15 specifically so--

16 **MS. URBAN:** Yeah.

17 **MS. DE LA TORRE:** I don't see it in this list, but I don't see
18 a reason why the Board could not suggest things that are not in the
19 list if they are helpful. And in this case, I thought that if we
20 were going to consider that, having that conversation prior to
21 releasing the new rules would be actually beneficial.

22 **MS. URBAN:** It's a question-- it's just a question of timing
23 and whether the discussion is properly noticed. I think, Ms. Kim,
24 though you've recorded that. Correct?

25 **MS. KIM:** Yes, I don't believe the defining of processor
26 or controller was mentioned previously. But that said, you know, we
27 will take it on in-- under consideration as a new item that the
28 Board or Board member is considering or wants us to include.

1 **MS. URBAN:** Alright. Is there anything else that you would find
2 particularly helpful from us, Ms. Kim?

3 **MS. KIM:** I'm going to take a look at my notes to see if
4 there's any further direction that I need from the Board. But at
5 this point in time, I understand that the Board is giving us
6 discretion to prioritize this list of items, to determine what
7 makes the most sense in moving any of them forward. And--

8 **MS. URBAN:** Thank you, Ms. Kim. And I will-- I'll formulate a
9 motion so we all know.

10 **MS. KIM:** Thank you. That would be helpful.

11 **MS. URBAN:** I just wanted to check in. Alright, and then
12 further thoughts from Board members? I have Mr. Mactaggart and then
13 Ms. de la Torre.

14 **MR. MACTAGGART:** Thank you. And I, just to clarify, when you
15 said it's a question of properly noticing, you just-- did you mean
16 that Ms. de la Torre's comment was new and it's going to take place
17 after this motion? More properly, whatever should take place after
18 this motion on this stuff that's already in this table?

19 **MS. URBAN:** Correct. My understanding is that we have to notice
20 anything that we action, and the motion is the action so we have to
21 notice it with sufficient specificity for the public to be notified
22 that that is what we are taking action on. It's just a matter of
23 putting it on a list to vote on. You know, it doesn't-- it doesn't
24 mean that-- so, it's putting on the list so staff can look into it,
25 just like with the-- with the-- with the agenda item for future
26 agenda items.

27 **MR. MACTAGGART:** I see. Okay, yeah, I like it, but I-- okay, I
28 see what you're saying. Thank you. Yeah.

1 **MS. URBAN:** Yeah. Thank you, Mr. Mactaggart. Ms. de la Torre?

2 **MS. DE LA TORRE:** So, I wanted to add a couple of things in
3 7002, which we discussed when the rules were being approved. I see
4 a reference that I don't completely-- it's a summary so it's
5 difficult for me to really understand what they, you know-- let me
6 rephrase that. I'm not sure that we can give clear direction to the
7 Agency on some of these items without further discussing the items
8 because what we're looking at is a very high-level summary. So,
9 7002, I mentioned it when we were approving the rules. There is a
10 need to, I think, reorganize the text so that we can align them
11 with Colorado and the rest of the world. There is also a need to
12 consider for research purpose, statistical purposes, and
13 journalistical purposes whether there should be room for an
14 exception there. There is such a possibility for interrogations
15 under GDPR. I understand that Colorado has a different
16 implementation. They don't specifically have references to those
17 three purposes, to my knowledge, in the rules. But it deserves a
18 longer conversation, I think, than just that one line reference in
19 a list and so perhaps this is an item that we can make part of our
20 conversation. My concern is that if we do not, we might not be
21 giving clear instructions to the Agency on where we are with some
22 of these points, which can cause them to work in a direction that
23 ultimately is not useful because we haven't had an opportunity to
24 have that kind of conversation. I imagine there are other items
25 here. I think employee data is another one where there's been a lot
26 of requests from the regulated organizations and providing
27 guidance. And I don't know that I completely understand the point
28 that Mr. Mactaggart made before and what he thinks it should be a

1 priority. I think that, at the minimum, we should consider
2 revisiting the purposes for processing and creating purposes that
3 are specific to employee data because the current purposes are not
4 really designed for employees, and I intend to address them. So, I
5 don't know where the balance is between having this conversation
6 and providing guidance and then perhaps creating a space in that
7 future meeting to have more granular discussions on some of these
8 items, but I leave it to the Chairperson to help guide us through
9 that.

10 **MS. URBAN:** Thank you, Ms. de la Torre. And to be clear, this
11 is not Board members signing up for ultimately approving or
12 disapproving or trying to make a decision based on the brief
13 description and the chart we have today. This is just, as I
14 understand it, helping staff get a sense of where our thoughts are
15 on the issues, and they will bring to us more detailed background
16 and guidance that we can talk about in more detail. So, I think
17 that's in line with what you were saying, but that is my
18 understanding. I do agree that we will need to have a more detailed
19 conversation, for example, about the things that you mentioned, and
20 I certainly need more background on those.

21 **MS. DE LA TORRE:** Like I said, I leave it to the Chairperson to
22 decide how to guide us through this. I just want to make sure that
23 we're efficient with the staff's time and that if there's a second
24 conversation that we're going to have in the next meeting, maybe
25 they can dedicate their time to the things that are outside of that
26 second conversation between now and the next meeting so that they
27 don't work in a direction that we haven't necessarily agreed upon
28 or discussed for particularly, as Ms. Kim mentioned, some of these

1 harder, more difficult items that will require more staff time.

2 **MS. URBAN:** Right. Yes, it is, I think, it's a layered process.
3 If they have a sense of if we have priorities, that helps them
4 decide whether-- where to first focus their efforts to produce the
5 background necessary to have that more detailed conversation. It
6 doesn't mean, as you so nicely put it earlier, that the detailed
7 conversation isn't going to happen. It's just a question of the
8 timing and the staging. Mr. Le?

9 **MR. LE:** Yeah. So, you know, while we're on the topic of, you
10 know, providing staff direction, at least from the Board on what to
11 prioritize, I would second Ms. de la Torre's ask that, you know,
12 staff prioritize, you know, and Mr. Alastair-- Mr. Mactaggart asked
13 that we prioritize looking at the employee data and, you know, the
14 exceptions of that and how do we approach that as well as maybe on
15 the easy side of things, just for-- to help staff out on what, at
16 least from this Board member, we should prioritize, is, you know,
17 Article 3, language-harmonizing requirements. That, to me, seems
18 important. You know, we can harmonize wherever we can. And just a
19 final note unrelated to this is that my Internet connection is very
20 poor so, apologies, I can't see any of you all. You can see me but--
21 - so if I'm miss seeing any body language, that's because I can't
22 see it.

23 **MS. URBAN:** Thank you, Mr. Le. We can see you. I don't know how
24 that feels, but it's nice, you know. It's nice to see you. Mr.
25 Mactaggart?

26 **MR. MACTAGGART:** Thank you. You know, I think one way to think
27 about this part of the meeting is-- is-- and in the future would
28 be, you know, does-- do we, the Board, think that the house is on

1 fire and so everything needs to be dropped to do one thing? If not,
2 then, hey, Board, go ahead-- hey, administration, you know,
3 executive, go ahead and do this because we will never know whether
4 you get three of the yellows for one red or this all of a sudden
5 something changes, and the red gets easier and nor do we kind of
6 want to be involved in that. So, I think that, you know, for
7 example, I support, you know, what Ms. de la Torre was just saying
8 about purpose limitation. You know, very important. I think the one
9 thing also, to her point about the lack of granularity, one-- one
10 benefit we may be missing, given the staff is already putting this
11 effort into summarizing it this way so in the future, I personally
12 would really love to have like a running kind of total, so to
13 speak, of like these are the areas that the CCPA is working on.
14 These are the areas that have generally gotten Board support and so
15 here's a list of regulations that are coming. They may be coming in
16 six months. They may be coming in a year, but they're coming. Hey,
17 everybody take a look at this because while these are the actual
18 regulations coming down the pike, and if they're in-- if they're--
19 if they could be in greater granularity, then there could be even
20 more of an indication when you're building your app or, you know,
21 you're-- you're looking at what kind of what industry is figuring
22 out what to do, they can get a sense of what's coming. And now, of
23 course, the final regulation may differ, but I do think, and I'm
24 not trying to get into underground rulemaking, but I do think, you
25 know, here we all are. We all are instructing staff to approve or
26 to go forward and regulate in these areas and come back to us with
27 regulations for us to approve. So, I think there may be an
28 additional benefit for not a lot of extra effort when, Ms. Kim,

1 you're putting together the list of sort of in the future or when
2 we come back to the next meeting and amend this so that anybody
3 could at any time go look and see what regulations, you know, the
4 administration is working on and get, you know, a kind of closer
5 sense to, or as granular a sense, as possible of what we're working
6 on.

7 **MS. URBAN:** Thank you, Mr. Mactaggart. I gathered that that was
8 sensible. I worry that I didn't 100 percent follow, and I so-- I--
9 can I restate it?

10 **MR. MACTAGGART:** So, let me just-- let me try and say it
11 better. You know, if-- let me just pick an example. Pick the
12 example that I-- that I cared about, the one about requiring
13 specific disclosures. Well, that's actually pretty-- well, so
14 that's-- that's one where it's not granular. That is pretty clear
15 so require specific disclosures for mobile apps to be accessible in
16 the app store prior to downloading. Maybe you can make that even
17 more clear so that, you know, but make that a mandatory step before
18 you download it as per the statute. Now, if I'm designing an app
19 and I know that the CPPA has said, the Board has said, "Yes, we'd
20 like, you know, we'd like you to come back with regs addressing
21 that." I'm thinking to myself, "Well, unless I want to redesign it
22 in a year, I might as well design it this way in the first place."
23 Potentially, I'm just saying that. And what are-- well, so
24 actually-- maybe Article 7, it's in pink, provide additional
25 guidance regarding financial incentive programs. That's maybe less
26 descriptive. And so, because what's additional guidance to the
27 extent that it was that descriptor was more descriptive. It would
28 give industry a greater sense of what's coming down the pike and

1 allow people to kind of say, "Okay, this is where California seems
2 to be going." Does that make more sense?

3 **MS. URBAN:** I am working to square it with the thought of
4 discretion. My-- I-- like I said, I hear-- I hear sensible info in
5 there. I-- my view of it is that if we are going to get staff
6 discretion, the best approach would be to have the list to add to
7 the list in the various ways that we can. So, for example, Ms. de
8 la Torre has asked about the definition of controller and
9 processor, and I would ask for Lisa's input on whether sort of
10 having a running list that, maybe we check in on makes sense. My
11 understanding was that the calendar was set up so that we would
12 check in on the list as a group in each of our twice-yearly
13 meetings, and that is a way to make sure that we're all basically
14 on the same page and that we've properly noticed everything. I very
15 much support giving staff the discretion within that timeframe to
16 figure out what it is that they should be doing. And I guess, while
17 I see that there could be value to providing more information, I
18 worry that we would run into sort of the winds of Bagley-Keene and
19 accidentally making promises that we don't know we're making and so
20 forth. So, in terms of relative value, my feeling is that we try
21 the biannual schedule for the next six months and see where we get.
22 And that, of course, includes collecting items as they come up, and
23 if anything is urgent, of course, addressing that on a more urgent
24 basis if necessary. But I worry that we could accidentally, and I
25 know this is in no way your intent, Mr. Mactaggart, given your
26 thoughts so far, to complicate things for staff in a way that we
27 didn't intend to. Ms. de la Torre and then Mr. Le?

28 **MS. DE LA TORRE:** Okay, thank you. I-- so, I-- I have a related

1 Question, which is if there's changes moving forward based on this
2 conversation, and then there's the subcommittee that's working on
3 the new rules at the same time, do we have a plan on how that
4 overlaps? Just-- I just-- like, for example, the change that I
5 suggested, if we move forward with that, defining controller and
6 processors, it will have to be implemented on the new rules as
7 well. So, I don't know if it-- I don't know if it makes sense to
8 pull some of that under this subcommittee. I mean, how can we make
9 it easier so that staff doesn't have to compartmentalize things
10 and-- and the subcommittee can move forward at the same time. Maybe
11 the staff has a plan for that, and then I'm thinking also just in
12 terms of process, we have a package coming right, and there is a
13 whole administrative piece of moving that package forward once we
14 started the official process. So, I'm envisioning some of these
15 changes going forward with the new rules package. I just want to
16 check with everybody and make sure that that's kind of how we're
17 all envisioning it that when the new package comes in, it will just
18 not be the new rules, but also some updates to the red line to the
19 existing rules.

20 **MS. URBAN:** Thank you, Ms. de la Torre. Yes, I think, you know,
21 this is where the wisdom of giving staff discretion really shows
22 its mettle in this, and in other places, but in this place. I
23 think that has been introduced. And in terms of how it might
24 interact with the specific language of the package that your
25 subcommittee is working with staff on, I think that's something the
26 staff's expertise can be deployed to decide so long as we've given
27 staff discretion to work on things. Now, we won't be able to solve
28 all problems for our future all the time with any motion given the

1 fact that we can't delegate rulemaking authority in a general
2 sense. But I think that by giving staff discretion, we can let them
3 maneuver within an understanding sort of what our priorities are,
4 and we've been very clear that our priority is that package and
5 then we've kind of given some thoughts about other things that we
6 like. But my feeling-- my thinking-- my understanding of the
7 conversation of the Board so far is that what we mostly want to do
8 is to have staff have discretion to decide the timing of things
9 leaving aside the automated decision-making, etc. package, which we
10 all understand is moving forward, and we would like to move forward
11 as a-- on a priority basis. Oh, I'm sorry, Mr. Soltani. Is it
12 alright if Mr. Le makes this comment so he doesn't forget what he
13 was going to say?

14 **MR. SOLTANI:** Of course.

15 **MS. URBAN:** Okay, Mr. Le?

16 **MR. LE:** Yeah, I think, you know, what Mr. Mactaggart was
17 saying around, you know, providing advanced notice, I think that
18 will be solved when staff comes back with the priority list, right?
19 That way, the public will know kind of what-- what-- well, the
20 Board has already given its input on what we think should be
21 prioritized. Staff has their discretion. They're going to develop a
22 priority list, and that should hopefully resolve the issues of, you
23 know, what is upcoming, what businesses perhaps should be prepared
24 for in the future. And to some extent, perhaps, you know, we'll
25 also allay Ms. de la Torre's concerns around, you know, if two
26 things are happening at once, perhaps this control process or
27 discussion, if that's really high up on the priority list, then,
28 you know, I think the subcommittee will hopefully have notice of

1 that from staff. And, you know, I think that should hopefully
2 resolve most of these issues that have been raised recently around
3 (a) providing notice to the public and to around what the Board is
4 prioritizing and making sure that staff is integrating what they
5 are going to prioritize with the ongoing rulemakings that we have.

6 **MS. URBAN:** Thank you, Mr. Le. Mr. Soltani?

7 **MR. SOLTANI:** Okay, thank you all. I just wanted to kind of
8 just echo some of what I've heard, just for clarity and also just
9 restate. As Ms. Kim laid out, this conversation, or let me, I mean
10 not paraphrase, Ms. Kim. So, the goal of this conversation, I
11 think, is at least from the staff perspective, or, as I see is for
12 information capture and resource prioritization, right? We want to
13 essentially go through the past year, and then subsequently past
14 six months as this process continues, and capture, acknowledge, and
15 then prioritize the topics that the Board want staff to begin
16 researching and working on and dedicating resources to separate
17 from the, say, the new rules, the existing stuff that's been
18 prioritized. And as Ms. Kim laid out, there's limited resources to
19 do this, I think the question is essentially what-- what order? And
20 I think, Ms. Urban, your-- your attempt earlier to cross things off
21 the list is helpful because that at least forecloses any necessary
22 research on those items, but even on the ones that are on the list,
23 the question is what do staff then prioritize given the ongoing
24 other priorities? And just to respond to Ms. de la Torre, I will
25 just say that I don't necessarily-- I don't think it's a foregone
26 conclusion that this will, some of the items, for example, even in
27 green, will hundred percent be part of the next package, or they
28 may be separate packages. There may-- there's other considerations

1 with rulemaking, collecting comments, doing economic analysis, that
2 staff needs to consider and how to organize and allocate those. And
3 I appreciate the kind of the discretion the Board are giving to
4 staff to figure out how to package things up and bundle them
5 because we have to give notice to OAL, we have to, you know, run
6 the economic analysis. The hope that we had hoped is, to echo Ms.
7 Kim's first point is, we have a list. The green and blue seem
8 doable by the time for us to report back on, and the next six
9 months until the next time we meet. And then the question is, of
10 the remaining items, are there one or two, mindful of Ms. Kim's
11 observation that we want to prioritize, or, you know, it's from
12 this conversation, a lot of them are important, and the Agency
13 acknowledged a lot of them are a priority. But are they a priority
14 that we need to address in the next six months is the question,
15 recognizing that we may not even be able to address even the one,
16 but we can certainly report back out in the next six months.

17 **MS. URBAN:** Thank you, Mr. Soltani. And I believe that the
18 Board is saying we've offered some thoughts on some of our
19 favorites, but we think that you have the most information about
20 timing. So, let me-- why don't I see if I can formulate a motion
21 and see if that captures the thinking that-- that-- behind this
22 conversation? Ms. Kim, would you like to speak before I do that?

23 **MS. KIM:** Yes, if I could just, you know-- I believe the point
24 of this conversation also was to give the Board members the
25 opportunity to discuss these items just because in previous
26 conversations they have identified items but never got the sense
27 from what other Board members as to whether or not it was an
28 interest of other Board members. So, I believe that the intention

1 of creating two spaces within the room within the rule-- within the
2 Board calendar, both like in May and in November, was to provide
3 that opportunity, to have that discussion among Board members, to
4 opine or provide feedback. All that said, I also wanted to clarify
5 that if there is a particular item on this list that, you know, a
6 Board member has questions about, this would be the opportunity to
7 have that conversation, given that in the next meeting we will be
8 focusing on other rulemaking topics that are ongoing priorities.
9 So, that is what-- that is what staff, well, myself, would
10 appreciate. You know, if-- if you have questions about any of these
11 topics, then ask them now so that I can answer them so that you
12 can-- so that the Board can have a full understanding of what this
13 list is comprised of. That-- that would be the most ideal situation
14 at least for myself.

15 **MS. URBAN:** Thank you, Ms. Kim. For my own part, I appreciate
16 that. For my own part, I think that questions I might have are more
17 likely to arise at a point where we're considering a little bit
18 more detail. I hope that's okay. I absolutely understand-- I
19 understand what you're saying, and it may be that just this list
20 hasn't prompted higher-level questions from me personally. Ms. de
21 la Torre?

22 **MS. DE LA TORRE:** Yes, I have a couple of specific questions
23 that might be helpful to Ms. Kim. One question is on the employee
24 data. It's not a question to be answered right now, but it's a
25 question to be highlighted for future discussion, on the employee
26 data, whether creating a list of purposes specific to employee data
27 is something that is beneficial and visible. I believe it will be
28 because it's truly difficult to fit the uses of data for HR

1 purposes into the descriptions of the purposes that are in the law.
2 But that's one question to consider, and I think it will also be
3 very helpful in notifications to employees currently. The
4 notifications are probably listing the purposes that exist in the
5 law, which are not intuitive if you're thinking about how data is
6 used for employees. The second one, which I have mentioned multiple
7 times, is 7002. I will appreciate looking for ways to align our
8 text to the Colorado text and the texts that exist in all other
9 jurisdictions. It will be very useful for professional-level
10 compliance to have those lists aligned so that it's easier for them
11 to go through use cases and decide whether there is a need for
12 consent of the user or not based on the secondary use test. I am—
13 I will appreciate a presentation on how our structure for purpose
14 limitation works via-a-vis the other opt-out rights that are in the
15 law, and the secondary test that has been created in the rules, if
16 it fails, meaning if there is no sufficient connection, the mandate
17 is to obtain opt-in consent. But at the same time, there's a number
18 of opt-out consents that are in the law I have never really have
19 seen that structure quite the same way in other jurisdictions. So,
20 I wonder how-- how can it best be made clear to consumers if they
21 have like an opt-in and an opt-out right that might overlap. And
22 I'm happy to maybe have a separate conversation with Ms. Kim if
23 that's helpful to better communicate around that question. I know
24 that there are answers that were provided in the excerpt, but I
25 just-- I just will appreciate some form of example because the
26 exercise that both the opt-in and the opt-out apply at the same
27 time. And then, on 7002 as well, scientific research shouldn't be
28 an afterthought. If we do not create spaces for scientific research

1 to happen absent consent of the consumer, I think that we are
2 putting our framework at the risk of diminishing what we call data
3 philanthropy, which is where private organizations actually offer
4 their data to researchers for beneficiary purposes to society. Same
5 thing for journalistic and statistic purposes. So, I understand
6 it's hard. I'm not taking away from the fact that it might be hard
7 to define these, and we might need time to do it. But to me, it is
8 a priority to make sure that we think about how our law not only
9 discourages uses that might not be beneficial to the public but
10 also it doesn't impair usage of the data that are beneficial to the
11 public, which is why I think that a carve-out for scientific
12 research is something that we should consider. I hope that was
13 helpful, Mrs. Kim.

14 **MS. KIM:** That was very helpful. Thank you.

15 **MS. URBAN:** Okay, I'm going to go ahead and see if I can
16 formulate a motion so we have it. Please be patient with me while I
17 think this through a little bit. So, we need to delegate our
18 authority appropriately. We would like to give the staff some
19 discretion. So, I plan to ask for a motion to direct staff and
20 authorize staff to, one, proceed with developing rulemaking
21 proposals on all the green items on the chart titled "Potential
22 Regulation Proposals" included in the meeting materials for today's
23 Meeting; all the blue items included on that chart; and any items
24 of other colors included on that chart that, in staff's discretion,
25 staff believe are an appropriate use of resources at that time with
26 the understanding that staff have discretion to develop any of
27 those proposals, any of the proposals on the potential regulation
28 proposals list on the time-- according to the timing that makes

1 sense in staff's judgment; and give staff discretion to package the
2 items with existing rulemaking priorities or separately in
3 different rulemaking packages, updating the Board during the next
4 rulemaking priorities meeting. I don't know if I got everything in
5 there, and I don't know, Ms. Kim, if that works. I can-- I can try
6 to clean it up after we have public comment. For public comment, I
7 always like to at least have the meat on the table so they
8 understand what's going on and can respond if they would like. But
9 does that work, and does it work for-- for Board members?

10 **MS. KIM:** Yes, it works for me.

11 **MS. URBAN:** Thank you, Ms. Kim. Ms. de la Torre?

12 **MS. DE LA TORRE:** I think that we should keep some
13 consideration to the items that different members have highlighted
14 as important to them that are outside of the green and blue so that
15 the staff knows to consider prioritizing those. And I tend to agree
16 with Mr. Le on the model notices and contractual language. I don't
17 think that is something that might be a high priority at this
18 point, and I think that I heard Chairperson mentioning the same
19 thing so maybe there's a way that we can at least eliminate some
20 items from here to the next meeting so that we give actionable
21 feedback.

22 **MS. URBAN:** I don't disagree. I hope that that is helpful to
23 you, Ms. Kim. I was hesitant to put it in the motion because I
24 don't want to limit their discretion in terms of authority. But one
25 thing that I could do-- let me think about it while we take public
26 comment and see if I can restructure things a little bit.

27 **MS. DE LA TORRE:** And I want to mention one more: the
28 access to social media API. I don't think that I have heard that
from any Board member. I understand that there might be a petition

1 to the Agency from other sources and is listed here for that
2 reason, but I don't recall any Board member making it a priority so
3 maybe that shouldn't be prioritized.

4 **MS. URBAN:** Thank you. Ms. de la Torre. Mr.-- Ms. Kim, did you
5 want to respond?

6 **MS. KIM:** With regard to the last topic, it was not a petition
7 to the Agency but rather a topic raised by a lawmaker, and that is
8 one of the-- that is why it was included in the chart.

9 **MS. URBAN:** Thank you, Ms. Kim. Mr. Sabo, is there public
10 comment on this agenda item?

11 **MR. SABO:** This is for agenda item 7, Regulations Proposals and
12 Priorities Discussion. If you'd like to make a comment on agenda
13 item 7 at this time, please raise your hand using Zoom's 'Raise
14 Hand' feature or by pressing star 9 if you're joining us this
15 afternoon by phone. Your name will be called when it's your turn,
16 and you'll be invited to unmute yourself. Those dialing in by phone
17 can press star 6 to unmute. You'll have three minutes to make your
18 comment. This is for agenda item 7, Regulations Proposals and
19 Priorities Discussion. Again, please use Zoom's 'Raise Hand'
20 feature or press star 9 if you're joining by phone. This is the
21 last call for agenda item 7 public comment, Regulations Proposals
22 and Priorities Discussion. Madam Chair, I'm not seeing any hands.

23 **MS. URBAN:** Thank you so much, Mr. Sabo. I think I have a plan,
24 and I will ask Mr. Soublet to, after I attempt this, I will ask Mr.
25 Soublet to please bless it or say, "Try again, Chairperson Urban,"
26 and I will try again. May I have a motion to authorize and direct
27 staff to (1) proceed with developing rulemaking proposals on the
28 following items: (A) all the green items on the chart titled

1 "Potential Regulation Proposals" included in the materials for
2 today's meeting (B) the blue items on the chart titled "Potential
3 Regulation Proposals" included on that chart, excuse me; and any
4 others of yellow, orange, or red on the chart for the day, that is
5 all the remaining items, in staff's discretion, taking into account
6 resources and timing questions, according to staff's understanding,
7 as part of which the Board would like the staff to take into
8 account its preferences as discussed during the-- the today's Board
9 meeting but understanding staff have ultimate discretion on the
10 timing and have authority to work on any of the items on the chart
11 titled "Potential Regulation Proposals" for today's meeting; and in
12 addition to give staff discretion to package the items with
13 existing rulemaking priorities or separately in a different
14 rulemaking package; and to update the Board on all the items during
15 the next rulemaking priorities meeting as well as undertake any
16 pre-rulemaking activities that would be helpful to staff
17 developing the record or working on a rulemaking package. Good
18 heavens! That was really long. Mr. Soublet, does that work?

19 **MR. SOUBLET:** That works. I think you covered everything that
20 we discussed.

21 **MS. URBAN:** Thank heaven we have transcripts. I'm happy to try
22 again, but may I have a motion if that's in line with what people
23 think? Mr. Mactaggart first and then Ms. de la Torre?

24 **MR. MACTAGGART:** Yeah, I'm happy to move that. I have one
25 question though about what it covers, about the green, because just
26 as I'm reviewing it just so I understand one thing. And so if I
27 could just ask Ms. Kim, 7013, include language that was previously
28 held back to ease implementation, which is easy. When I look at the

1 old 7013 from the previous iteration, there was stricken language
2 in (e), the old 7013(e) for "echo" (3) (C) around televisions and
3 being able to encounter the language before, you know, while you're
4 using it so you don't do a searching around for it. Is that the
5 part that's going to be-- is that what that is covering in that
6 little 7013, your notation about that?

7 **MS. KIM:** Yes, that is. We were going to revisit that language
8 and include where we thought it made the most sense, taking into
9 consideration some of the comments that we received during the
10 comment period as well.

11 **MR. MACTAGGART:** Okay. Well, and-- then I'm-- I'm happy to make
12 the motion.

13 **MS. URBAN:** Thank you, Mr. MacTaggart. Ms. de la Torre?

14 **MS. DE LA TORRE:** Just quickly, I'm happy to make the motion
15 again or support the motion. Just for clarity, the general request
16 to look for opportunities to harmonize with other states and think
17 about the drafting in terms of capitalizing the definitions and
18 considering processors and controls, it's just not in the list, but
19 it was in the conversation. I assume that we're including it in the
20 motion as something to prioritize. Is that correct?

21 **MS. URBAN:** I think that is general enough, and I will ask Mr.
22 Soublet, that we don't have to specifically state that. That can be
23 part of our general guidance to staff as to how to exercise the
24 authority we are delegating, and I think everybody's in agreement
25 that that's a good idea. As we all know, my-- I really like
26 1798.199.40(1) so I am certainly in agreement. Mr. Soublet, does
27 that work?

28 **MR. SOUBLET:** Yeah, I was going to be in agreement on that as

1 well because you've given staff the authority to exercise
2 discretion with respect to that so yes.

3 **MS. URBAN:** Okay. I believe that I have a motion from
4 Mr. Mactaggart and a second from Ms. de la Torre if the format,
5 which was slightly unorthodox, works. Mr. Soublet, Yes? Sorry,
6 you're on mute.

7 **MR. SOUBLET:** I was muted. Yes.

8 **MS. URBAN:** Okay, wonderful. Thank you so much, everybody. Mr.
9 Sabo, would you please call the roll call vote?

10 **MR. SABO:** Yes, the motion as moved by Board member Mactaggart
11 and seconded by Board member de la Torre, that which was stated by
12 the Chair, Board member de la Torre?

13 **MS. DE LA TORRE:** Aye.

14 **MR. SABO:** de la Torre, aye. Board member Le?

15 **MR. LE:** Aye.

16 **MR. SABO:** Le, aye. Board member, Mactaggart.

17 **MR. MACTAGGART:** Aye.

18 **MR. SABO:** Mactaggart, aye. Chair Urban?

19 **MS. URBAN:** Aye.

20 **MR. SABO:** Urban, aye. Madam Chair, you have four ayes and no
21 noes.

22 **MS. URBAN:** Thank you much-- thank you very much, Mr. Sabo. The
23 motion carries with the vote of 4-0. Thank you very much to staff
24 for carefully collecting all of these thoughts and-- and-- and--
25 keeping track of everything that was coming up during the
26 rulemaking and putting this together for us so that we could
27 discuss it. Thank you very much to the Board for a thoughtful and
28 careful discussion as ever and thank you all for your patience as I

1 formulated one of the hairier motions that I needed to formulate in
2 this job. I believe that we have now delegated to you, Ms. Kim, and
3 the rest of the staff sufficient authority to move forward. Of
4 course, if anything comes up, please don't hesitate to ask for an
5 agenda item in our next meeting on that. And thank you-- so, thank
6 you very much, Ms. Kim, and thanks to everybody. Let's move to
7 agenda item number 8 where we will encounter the much-discussed and
8 much-anticipated package related to automated decision-making and
9 some other things titled New CPRA, which is California Privacy
10 Rights Act, Rules Subcommittee Update and Next Steps. The New CPRA
11 Rules Subcommittee is made up of Ms. de la Torre and Mr. Le, and
12 they will be presenting this item. Ms. de La Torre and Mr. Le,
13 please go ahead. Oh, wait, Mr. Mactaggart. Do you have an
14 interjection?

15 **MR. MACTAGGART:** Yeah, I do. Hold on a sec'. There we go. Yes,
16 sorry about this. So, yeah, when do we bring up the items we'd like
17 to add to the rule list?

18 **MS. URBAN:** Just-- hang on. Let me check the agenda so that I
19 don't say the wrong thing. It will be right after this agenda item.

20 **MR. MACTAGGART:** Okay, great. Okay, thank you, yes.

21 **MS. URBAN:** Ms. de la Torre and Mr. Le, please take it away.

22 **MR. LE:** Well, actually, we will be handing it off to Mr.
23 Nelson Richards, and then, you know, I'll add on after he shares
24 his presentation.

25 **MS. URBAN:** Wonderful, welcome, Mr. Nelson Richards, who is our
26 Assistant-- Deputy Chief Counsel. I have that right?

27 **MR. NELSON RICHARDS:** Assistant Chief Counsel, yeah.

28 **MS. URBAN:** Assistant Chief Counsel. I started correctly, and I

1 ended incorrectly. So, my apologies and congratulations on that
2 promotion, and we are delighted to have you in that position.
3 Please go ahead.

4 **MR. RICHARDS:** Thank you. Good afternoon, Chair Urban and
5 members of the Board. As the Board is aware, on February 10th, 2023,
6 the Agency released an invitation for preliminary comments on
7 proposed rulemaking on cybersecurity audits, risk assessments, and
8 automated decision-making. The comment period is now closed. In
9 response to the invitation, the Agency received 57 comments
10 totaling over 1,000 pages. The comments are posted on the Agency's
11 website, and members of the public can review them by visiting the
12 website and navigating to the page on preliminary rulemaking
13 activities under the Laws and Regulations tab. Currently, staff are
14 processing and reviewing the comments. They're continuing to
15 research and review pertinent academic scholarship; public and
16 private frameworks, standards, and reports; proposed legislation;
17 and media reports. And they're using what they learn as they
18 continue to draft the regulations. Looking ahead, the subcommittee
19 and staff will identify key issues relating to cybersecurity
20 audits, risk assessments, and automated decision-making technology
21 for the Board's discussion at a meeting this summer. We expect
22 those key issues to include, for example, how the Agency will
23 define automated decision-making technology and how it will define
24 significant risk to consumers' privacy or security for the
25 regulations on risk assessment versus the regulations on
26 cybersecurity audits. In light of the Board's expressed interest on
27 this rulemaking during prior meetings, this process will ensure
28 that the full Board will have input on key issues while the

1 regulations are being drafted. And I'll conclude by noting that
2 there's been particular interest among the public, as well as
3 legislators and other regulators, about automated decision-making
4 technology. The subcommittee and staff are continuing to monitor
5 developments in this fast-evolving area and welcome any feedback
6 from other Board members on that topic at this time. Thank you.

7 **MR. LE:** I will-- yeah, I'd just like to add on to Mr. Nelson
8 Richards. Yeah, so, you know, the subcommittee has been hard at
9 work. We, you know, developed quite a bit of, you know, structure
10 to the regulations, but we felt that it would be best to let staff
11 process the comments that we got before presenting the threshold
12 questions to the Board. I think, you know, we saw the interest from
13 the Board and having input on this topic. And I think how the Board
14 approaches these threshold questions will really impact the
15 regulations that the Agency drafts. We chose this approach to make
16 sure that staff doesn't get too deep into developing the
17 regulations under the subcommittee's direction only to find out
18 that the full Board may not agree with that direction. So, we think
19 this approach best balances Agency resources as well as being
20 considerate of all of the input we've gotten from the public. You
21 know, I very much look forward to presenting these special
22 questions to the Board at our next Board meeting or at a Board
23 meeting in the summer. So, with that, you know, that will pretty
24 much end my section of today's agenda item. Happy to answer any
25 questions.

26 **MS. URBAN:** Thank you, Mr. Richards. Thank you, Mr. Le. Just so
27 I have it straight, so the thinking would be to, in our next Board
28 meeting, which on our calendar is July so the second Friday in

1 July, and I don't-- I don't anticipate that we would have one
2 before the other week. We could have, you know, a legislative
3 special meeting or something if something were to come up, but at
4 that point, the subcommittee would provide some materials for the
5 Board on the threshold questions and ask us to consider those
6 carefully and have the discussion then?

7 **MR. LE:** Yes, and then, you know, it's essentially like there
8 are different directions we can take as a Board and as an Agency
9 on, you know, how to define certain things or how to define risks.
10 So, you know, before we get too deep into developing those
11 regulations entering the official rulemaking, we thought it would
12 be best for the full Board to have input on those special
13 questions.

14 **MS. URBAN:** Yeah, and apologies for needing clarification. I
15 think I'm still recovering from that motion. Ms. de la Torre?

16 **MS. DE LA TORRE:** I just quickly want to say that we do intend
17 to bring those questions. I just don't want to commit to the next
18 meeting necessarily. There might be a need for flexibility. That
19 will be ideal, but let's not commit to the next meeting. We need to
20 work with the staff on how to best organize the presentation for
21 the Board.

22 **MS. URBAN:** Okay, thank you. Understood. Understood. I was-- I
23 was trying to promise you the first possible if that's what you
24 wanted, but that-- that's understood. We will-- I'll wait for
25 notification that it's time and put it on the agenda then. Other
26 comments or questions? Mr. Mactaggart?

27 **MR. MACTAGGART:** This is a-- I'd just-- I'd love to get a sense
28 of the Board whether we think it's appropriate to sort of, because

1 it's an informal kind of request, but to let the leadership know
2 that it would be okay to start portraying ourselves as, you know,
3 the-- probably the only realistic AI regulator in North America or,
4 I should say, sorry, in the United States. Don't want to offend the
5 Canadians. But, you know, I think that we are-- there's so much
6 press right now about AI, and there's people worried about it, and
7 people think it's going to solve everything in the world. We are it
8 for the foreseeable future in terms of, you know, because of our
9 mandate around automated decision-making, which is, after all, is
10 what AI is all about. I just think we should be-- because it's one
11 more, in my mind, reason in Washington for them not to preempt us
12 with a weak law. And so, I don't really have a-- I don't really
13 have a-- it's not a motion or anything, but I guess, if any Board
14 member, I guess I would say, feels like we shouldn't be sort of
15 making noise about the fact that this is where the action is going
16 to happen, maybe it would be useful for-- for-- for the director to
17 hear that. But, you know, because I personally, you know, would
18 urge us to take the time and run with it because I think this is
19 likely to be where this incredibly important technology gets
20 regulated in the United States in the foreseeable future, and it's
21 a huge argument to make to Washington: just don't mess with
22 California.

23 **MS. URBAN:** Thank you, Mr. Mactaggart. Mr. Le?

24 **MR. LE:** Yeah. And, you know, that's exactly, Mr. Mactaggart,
25 that's exactly why we're taking this approach. I think if-- if the
26 Agency is, you know, and the full Board is committed to a certain
27 direction and, you know, taking a leadership role, it would take,
28 you know, the full Board's commitment. And I think that's why it is

1 so important for us to have the full Board's attention around these
2 threshold issues on how we should approach these regulations, and
3 that will allow staff to have, you know, more, you know, direction
4 on, you know, how-- how best to develop the regulations on AI and
5 these impact assessments and these automated-- automated decision-
6 making.

7 **MS. URBAN:** Thank you, Mr. Le. Oh, I'm sorry, Ms. de la Torre.
8 Go ahead.

9 **MS. DE LA TORRE:** Yeah, I wanted to check on that but just make
10 a comment that obviously Colorado has finalized their rules. They
11 do have rules on automated decision-making. They do have rules on
12 assessments. And I think that one of the important things is to
13 think about harmonizing ourselves with other jurisdictions,
14 including Colorado. We will have opportunities to have that
15 conversation as a Board. I don't disagree with what has been said,
16 and I think that this is one area where there is going to be need
17 to revisit whatever package we put forward in a potentially not-
18 that-long of a period of time based on the developments on the
19 ground. I just didn't want to minimize the efforts, you know, and
20 the steps forward that Colorado has already taken.

21 **MS. URBAN:** Thank you, Ms. de la Torre. I-- I appreciate that
22 we'll have the opportunity to discuss the issues as a Board, both
23 to provide guidance, which, of course, I'm-- is substantively most
24 important. But to Mr. Mactaggart's point, it-- it allows us to
25 offer our viewpoints on how to go about this in a timely manner in
26 one of our public meetings so thank you very much. Mr. Le and Ms.
27 de la Torre or Mr. Richards, is there anything further you would
28 like to say about this before I ask for public comment? Wonderful,

1 Mr. Sabo, would you please check to see if anyone would like to
2 make a public comment on this agenda item?

3 **MR. SABO:** This is for agenda item number 8. If you'd like to
4 make a comment, please raise your hand using Zoom's 'Raise Hand'
5 feature or by pressing star 9 on your phone. Your name will be
6 called when it's your turn, and you'll be invited to unmute
7 yourself. Those dialing in by phone can press star 6 to unmute.
8 You'll then have three minutes to make your comment. Again, this is
9 for agenda item number 8, the New CPRA Rules Subcommittee Update
10 and Next Steps. If you'd like to make a comment, please raise your
11 hand using Zoom's 'Raise Hand' feature or by pressing star 9 on
12 your phone. This is the last call for public comments on agenda
13 item number 8, New CPRA Rules Subcommittee Update and Next Steps.
14 Again, please raise your hand using Zoom's 'Raise Hand' feature by
15 pressing star 9 if you're joining by phone today. Madam Chair, I'm
16 not seeing any hands at this time.

17 **MS. URBAN:** Thank you very much, Mr. Sabo. Thank you to the New
18 CPRA Rules Subcommittee. I know we'll be eager to hear from you
19 again when you're ready, and we'll look forward to that. We now
20 turn to agenda item number 10, a discussion of future agenda items.
21 This is the place to offer items to be considered for future
22 agendas in addition to the standing items we've already discussed
23 under agenda item number 4. Accordingly, the regularized items we
24 discussed, we don't have to mention, although you're welcome to if
25 you would like. I have a running list that I've been keeping, that
26 I will go through just so you know that it's there and then open
27 it up to comments so I can add to the list and staff can add to the
28 list. We have some strategic planning items coming up as needed per

1 Ms. Chitambira's update in agenda item number 3 today. We will soon
2 need to discuss some additional practices and procedures, for
3 example, with regard to enforcement, and staff will guide when it
4 makes sense to talk about that. I have the chief privacy auditor on
5 my list, which Ms. de la Torre also mentioned today, the Executive
6 Director Review, although that's on the standard calendar. Ms. de
7 la Torre and I will have a Rulemaking Process Subcommittee update.
8 We're not certain yet if it will be partially in the next meeting
9 or in September, but as a heads up to everybody and as a reminder,
10 we will have to bring to you guidance from the staff on the
11 interaction of the CCPA with the Insurance Code and any
12 recommendations we have on rulemaking process going forward. Thank
13 you for your patience, and we are looking forward to talking with
14 you about it when it's a good time to do so. We will welcome and
15 approve California Children Data Protection Working Group
16 appointees when those are ready. My understanding there's a sort of
17 broad effort overall to organize that across the state so that will
18 come when it comes. And so that is the list of everything except
19 for the rulemaking topics that you want to bring up in the public
20 meeting, rather than alerting staff separately. And just as a
21 reminder to please mention those on your list if you have them as
22 well as any other future agenda items. With that-- excuse me. Are
23 there future agenda items from any other Board members? Thank you,
24 Mr. Mactaggart? Please go ahead.

25 **MR. MACTAGGART:** Great. Okay, thank you. Alright. So, I have a
26 couple here. One, and I suppose I think this is mostly probably
27 from-- for Ms. Kim.

28 **MS. URBAN:** So, is that, Ms. Kim, if you're still here, would

1 you mind? I mean, I'm sure you're there and listening. Alright.

2 Thank you. Go ahead, Mr. Mactaggart.

3 **MR. MACTAGGART:** Okay. So, I'm going to have a couple of
4 references to stuff that was in the earlier regs, and then we had
5 that rainbow color one, you know, we struck some. It had some in
6 some language changed. So ,first, I have a couple of ones about
7 that. In the old version of the regs, there was a concept around
8 SPI that was collected and by businesses that didn't have an online
9 presence, and we struck, and this is the old 7014(e) for "echo"(3),
10 and the concept dropped out. I'd like to get it back in the mix of
11 things. So, if you walk into a store or something that doesn't
12 necessarily have an online presence and it's collecting your SPI,
13 how do you opt out? So, just want to kind of flag that. The old
14 7013(e) (3) just dropped out and didn't come back in. Then, my next
15 one is we have this tension right now, there's a desire not to
16 disclose-- businesses not having to disclose highly sensitive
17 information. So, in 7024(d), currently, the regulations just say
18 that the regular businesses shall not disclose highly sensitive
19 personal information. However, in, 7023(j), the right to correct,
20 the businesses-- the regulations say that the business must provide
21 a way to confirm that the personal information it maintains is the
22 same as what the consumer has provided. So, under the right to
23 correct, I can go and say, "Here's my Social Security number. Is
24 that what you have?" And they can say yes or no. Under the right to
25 know, I can go and say, "Hey, what's my Social Security number?"
26 And they just say, "We've collected it, that's all." And that's--
27 in order to actually find out what they have, I kind of have to go
28 and ask for the right to correct. So, I would just ask you to look

1 at that because there is this kind of I have to make a request to
2 correct in order to actually find out what information you have on
3 me, and so I think that's a little absurd. There should be a way
4 for me to figure out.

5 **MS. KIM:** That was-- that's actually included in the green
6 topic of--

7 **MR. MACTAGGART:** Oh, is it? Okay. I'll shut up. I'll shut up.
8 Sorry, I apologize.

9 **MS. KIM:** No, it's not a problem. I should have clarified that.

10 **MR. MACTAGGART:** Okay, I'm sorry, I didn't-- didn't see that.
11 Well, then maybe you'll stop me. The next one is the security and
12 integrity issue. That's one, in the statute, it's defined as "to
13 help ensure security and integrity." In the regulations, the
14 preamble and 7027(m)(2), it includes the words "prevent and
15 investigate," "to prevent, detect, and investigate security
16 incidents." And the words "prevent and investigate" are a huge
17 diminution of the sort of limited carve-out that security is given
18 to say the right to delete, you know, why you can ignore a request.
19 And so, I would-- as Director Soltani will recall in 2019, there
20 was a law, AB 1416, that was proposed or proposed law that would
21 have amended the statute that way, and many folks in the privacy
22 community pushed back against this broadening of this carve-out.
23 And so, I would like to go back to what's in the statute as opposed
24 to including these two new words "prevent and investigate," and if
25 I've missed something--

26 **MS. KIM:** So, yes, this was in the yellow section of 7058(4).

27 **MR. MACTAGGART:** Stop me next time. I didn't see it.

28 **MS. KIM:** Because, you know, I realized it's described a bit

1 broadly but that's to look into whether we should revise the data
2 security purposes for which service providers and contractors can
3 use personal information.

4 **MR. MACTAGGART:** Okay, I think actually, Chair Urban, this
5 underlines my previous point. The descriptors are so broad in the
6 list of what Ms. Kim's putting together that they don't necessarily
7 provide granularity to businesses going forward. So, that's all I
8 would suggest in the future as we sort of flag some of these things
9 we're working on because I read that, and I didn't even know that
10 that was addressing the issue I cared about so--

11 **MS. URBAN:** So, maybe on the list that we are working with
12 a little bit more detail without staff having to research the
13 whole thing? Okay.

14 **MR. MACTAGGART:** Right.

15 **MS. URBAN:** Thank you.

16 **MR. MACTAGGART:** Now, okay. So, one, I just have a couple more
17 concepts here.

18 **MS. URBAN:** Mr. Mactaggart, I apologize for stopping you for
19 just a second. I just wanted to thank Ms. de la Torre for her
20 service today. I know she needs to drop off of the meeting, and
21 we'll look forward to seeing her next time. Thanks so much, Ms. de
22 la Torre.

23 **MS. DE LA TORRE:** Thank you so much.

24 **MR. MACTAGGART:** Thank you.

25 **MS. URBAN:** Mr. Mactaggart, thank you for the pause.

26 **MR. MACTAGGART:** Yeah. No problem.

27 **MS. URBAN:** Maybe start that one at the beginning.

28 **MR. MACTAGGART:** Yeah. So, the next one is, I'd love to request

1 that staff study a regulation to require that businesses, you know,
2 include-- somehow the opt-out, they'd study the implementation of
3 an opt-out that embraces what we're all increasingly seeing this
4 sort of reject all non-necessary cookies button. That's what people
5 are kind of getting used to seeing. And so, I'd love if that, I
6 mean, that might actually end up being the default where we say
7 when we're trying to opt out if you're not doing it via your
8 browser, if you're doing it, you know, one at a time. And I think
9 our authority is under 185(a)(19)(iv), which requires business to
10 see no more than three choices when setting a preference and the
11 194(a) requires the first option to be the most privacy, a one-
12 click opt-out from all sale or sharing. And so, I guess all I'm
13 saying is we kind of-- the statute said there should be a one-click
14 to opt out that should be the first thing consumers see. Meanwhile,
15 privacy for businesses have kind of based on Europe, I think,
16 mostly come up with this, you know, reject all non-necessary
17 cookies, and I always like it when I see that, and I'm always
18 annoyed when I have to go through and, you know, individually
19 select each category of cookie. So, that's one request I'd have
20 staff take a look at that. The next one is that one of our, and
21 this might-- this might be, Chair Urban, this might be, or Ms. Kim,
22 this might already be in the model contracts or model, one of the
23 models. But just the notion of the regular risk assessments that
24 the high-risk processors have to fill out. Is it feasible, and is
25 it a good idea to have the sort of a form that is standard where
26 the CEO and the chief privacy officer of the business have to
27 certify under oath that they've, you know, treated the information
28 consistent with the law and consistent with their own

1 representations about what they do with the data? Those two things,
2 I think, would focus a lot of attention on making sure that the
3 business is doing it because it's the CEO and the chief privacy
4 officer have to, you know, certify under penalty of perjury they've
5 done this, that will get the whole business working, I think, in a
6 privacy forward way. And then my last request would be granularity
7 around deletion. If we can look at a requirement that I, as a
8 consumer, could delete some of my data, and I'm thinking mostly
9 around, you know, because right now businesses make it difficult.
10 It's all or nothing. And so you think I don't want to lose, you
11 know, I've-- I've built a business on one of these social media
12 platforms where I'm spending an awful lot of time on it, and what I
13 really want to do is I want to delete my geolocation data. You
14 know, you don't need to know where I was, but I want to keep other
15 things. And right now, we don't have that requirement, and I think
16 something like that consumers would actually welcome as a sort of
17 middle ground, and not-- because in a way that the delete all or
18 nothing kind of is a dark pattern. It's like, well, you're not
19 going to delete all your data here so you still want to, you know,
20 have a presence, so I'd love to be able to say to Facebook,
21 "Actually, just delete my location." So, those are my-- those are
22 my other-- that's my list of things.

23 **MS. URBAN:** Thank you very much, Mr. Mactaggart. And we can't
24 discuss them in detail today, but, Ms. Kim, you have those written
25 down? Wonderful. Mr. Le or Mr. Mactaggart, I am sorry, while we're
26 with you, do you have any other potential future agenda items?
27 Alright.

28 **MR. MACTAGGART:** No, that's it. Thank you.

1 **MS. URBAN:** Mr. Le? Not to put you on the spot, I just want to
2 be sure I don't miss you. Okay, nothing from Mr. Le. I have run
3 through my list, and I realized I usually update it during the
4 conversation. Of course, there is a future agenda item for the New
5 CPRA Rules Subcommittee when they're ready as well. At this time,
6 Mr. Sabo, would you mind asking for public comments on this item?
7 If the public has anything they would like to suggest, we would
8 like to hear it.

9 **MR. SABO:** This is for agenda item 10, Future Agenda Items. If
10 you'd like to make a comment, please raise your hand using the Zoom
11 'Raise Hand' feature or by pressing star 9 on your phone. Your name
12 will be called when it's your turn, and you'll then be invited to
13 unmute yourself. Those dialing in by phone can press star 6 to
14 unmute. You'll then have three minutes to make your comments.
15 Again, this is for agenda item 10, Future Agenda Items. Again, if
16 you'd like to speak on the agenda item 10, Future Agenda Items,
17 please go ahead and raise your hand at this time using the Zoom
18 'Raise Hand' feature or by pressing star 9 if you're joining by
19 phone. This is the final boarding call for agenda item 10, Future
20 Agenda Items. Madam Chair, I'm not seeing any hands at this time.

21 **MS. URBAN:** Thank you very much, Mr. Sabo, and thanks
22 everybody for this discussion. With that, we will move to agenda
23 item number 10. Mr. Mactaggart, you're under the wire. I'm going to
24 let you in.

25 **MR. MACTAGGART:** I'm really sorry.

26 **MS. URBAN:** I'm going to let you in. Go for it.

27 **MR. MACTAGGART:** Sorry. Ms. Kim, I just went back and checked
28 that-- that one notification in your list of 7050, and the one

1 thing I just would highlight is, I think, that's restricted to the
2 data that prevent for service providers and contractors, and I
3 actually think it should also apply to the business. Because also
4 the business can say not delete, and I don't think it's appropriate
5 for statute to have the security exemption include to prevent or
6 investigate for the business as well. It's not just the service
7 providers and the contractors. I think it's everybody.

8 **MS. KIM:** So noted. Thank you.

9 **MS. URBAN:** Thank you, Mr. Mactaggart. Alright. I'm going to
10 pause for just a second, just in case. Alright. With that, we will
11 move to agenda item number 10, Adjournment. I want to thank
12 everyone-- Board members, staff, and members of the public-- for
13 all your contributions to the meeting today and to the Board's
14 work, and everybody for working to make the meeting work, and for
15 us to be able to have our discussion about everything on the
16 agenda, even though our schedule was a little bit wonky today. So,
17 thanks everyone very much for all of your work, thanks especially
18 to the staff, who provided expert guidance and background for us
19 today. It's been really wonderful and heartening to see what a
20 terrific staff the Agency has built and to benefit from your
21 expertise so thank you. And with that, may I have a motion to
22 adjourn the meeting?

23 **MR. LE:** I so move.

24 **MS. URBAN:** Thank you, Mr. Le. May I have a second?

25 **MR. MACTAGGART:** I second.

26 **MS. URBAN:** Thank you very much, Mr. Mactaggart. And Mr. Le. I
27 have a motion and a second to adjourn the meeting. Mr. Sabo, would
28 you please perform the roll call vote?

MR. SABO: Yes, the motion is to adjourn. Board member De La

1 Torre? Board member Le?

2 **MR. LE:** Aye.

3 **MR. SABO:** Le, aye. Board member Mactaggart?

4 **MR. MACTAGGART:** Aye.

5 **MR. SABO:** Mactaggart, aye. Chair Urban?

6 **MS. URBAN:** Aye.

7 **MR. SABO:** Urban, aye. Madam Chair, you have three ayes and one
8 not present.

9 **MS. URBAN:** Thank you very much, Mr. Sabo. We have a quorum
10 with three, therefore, the motion has been approved by a vote of
11 3-0, and this meeting of the California Privacy Protection Agency
12 Board is adjourned. Thank you all very much.

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(End of recording)

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