



california consumer privacy act: are you ready?

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MSK Client Alert

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In the last few weeks we have seen both regulatory and legislative action that has helped to clarify the scope and impact of the California Consumer Privacy Act ("CCPA"). By way of a refresher, the CCPA seeks to protect the personal information of California consumers by giving them greater knowledge about the nature and extent of the data collected about them, how it is used (sold or shared) by those who possess it, and how the individual consumer can control the use of his/her personal data. The CCPA applies to companies, regardless of where they are located, which:

- Have annual gross revenues in excess of \$25 million;
- Alone or in conjunction with others annually buy, sell, receive or share for commercial purposes, the personal information of 50,000 or more consumers, households, or devices; **or**
- Derive 50% or more of their annual revenues from selling consumer personal information.

This framework leaves companies to ask some very basic questions before deciding next steps:

1. What is our annual gross revenue (not limited to California income)?
2. Do we have the personal information of at least 50,000 consumers, households or devices located in California?
3. Do we sell the personal data we have of those California consumers, households or devices? If so, do we derive 50% or more of our annual revenues from those sales?
4. Even if we do not sell that personal data, do we disclose any portion of it to any third parties?

attorneys

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practice areas

cybersecurity and privacy
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If you answered more than \$25 million to the first question or yes to any of the remaining questions, **you could be subject to the CCPA**, but there is more to the analysis...

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