



Does CCPA Apply to You?

California's new Consumer Privacy Protection Act ("CCPA") goes into effect January 1, 2020. CCPA can apply to businesses even if they do not have offices or employees in California. It can also reach activities conducted outside of California. CCPA breaks new ground in US privacy law, though organizations that are subject to complying with the EU's GDPR may find complying with CCPA less of an adjustment in their data practices.

Businesses collecting and using personal data of California consumers (defined broadly enough to cover consumers, employees, business contacts and others) should know their CCPA obligations. Non-compliant businesses may be subject to up to \$2500 per violation and \$7500 for each intentional violation.

Contact Us

To learn more about the issues in this client alert, please contact [Ted Claypoole](mailto:ted.claypoole@wbd-us.com) at ted.claypoole@wbd-us.com (404.879.2410), [Nadia Aram](mailto:nadia.aram@wbd-us.com) at nadia.aram@wbd-us.com (919.755.2119) or [Taylor Ey](mailto:taylor.ey@wbd-us.com) at taylor.ey@wbd-us.com (919.484.2306).

Follow our flowchart to see if CCPA applies to your company

1 Are you a for-profit entity?

2 Are you doing business in California?

3 Are you collecting or telling others to collect personal information of consumers, determining the purposes and means for using that information?

and

4 Do you meet one of three thresholds?

1. Annual gross revenues over \$25,000,000
2. Annually buys, receives, sells or shares the personal information of 50,000 or more California residents, households or devices
- OR
3. Derives 50% or more of its annual revenue from selling personal information of California residents

Personal information is broadly defined under CCPA. It means information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household (e.g., identifier like real name, online identifier, or IP address; geolocation data, professional or employment-related information).

Consumer means a natural person who is a California resident. This includes every individual who is in California for other than a temporary or transitory purpose (i.e., a visit) and every individual domiciled in California who is outside California for a visit.

Selling means selling, renting, releasing, disclosing, disseminating, making available, transferring or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by the business to another business or a third party for monetary or other valuable consideration. Businesses sharing customer lists for their mutual benefit could be seen as selling, even if no money changes hands.