

INDEX

A

- access requests, 95–112
 - age of information in, 105
 - category-level request, data point matching in, 101–102
 - category-level request *vs.* specific-information request, 95–96
 - data from *vs.* data about in, 104
 - deletion of information before responding to, 109–111
 - denial of, 111
 - as discovery request, 295
 - electronic response to, 103–104
 - extending time for, 96–97
 - failure to honor, 111–112
 - financial institutions and, 303
 - flowing down, to service provider, 97–99
 - to health care company, 311
 - internal notes and, 107
 - to law firms, 294–295
 - loyalty programs and, 104, 252
 - nonspecific, 111
 - penalties, 112
 - policies and procedures, 102–103
 - responses, protection of, 160
 - right to, defined, 95
 - right to, origin of, 96
 - scope of, 105–107
 - to service provider, 192–193
 - time for, 96
 - trade secrets and, 108–109
 - unstructured information from, 104–105
 - verification of consumer identity in, 99–100
 - work product in, 107–108
- acquisitions, 42–44, 49, 89–90, 146–147
- ADA. *See* Americans with Disabilities Act (ADA)
- AdTech, 50, 67, 230
- advertising
 - behavioral, as sale of information, 228–229
 - behavioral, cookies for, 227–238, 302–303, 306, 310–311, 313, 315–316, 318–319, 321–322, 324
 - cross-context behavioral, 50
 - targeted, 67
- advertising technology, 50, 67, 230
- affidavit, in identity verification, 101
- affiliate exception, 38–41. *See also* corporate affiliates
- agent. *See* authorized agent(s)
- aggregate information, 24–26, 136, 185
- Americans with Disabilities Act (ADA), 212
- analytics cookies, 224–227
- anonymization, 19, 26–27, 136, 214
- arbitration clauses, 278–279
- attorneys, impact of CPPA on, 291–298
- authorized agent(s)
 - defined, 156
 - demonstration of status as, 157
 - electronic signature for permission to act, 158
 - identity verification by, 158
 - identity verification to, 159
 - index of, 157
 - online platform of, requirement to communicate through, 158–159
 - requests from, 156–160
 - responding to, 157
 - use of information attained by, for own purposes, 160

B

backup systems, deletion requests and, 129

banks

- acquiring, as service providers, 191–192
- behavioral advertising cookies and, 302–303
- data collected by, 300
- disclosure of collection by, 301–302
- privacy notice from, 300–301
- sale of information by, 302

behavioral advertising

- cookies, 227–238, 302–303, 306, 310–311, 313, 315–316, 318–319, 321–322, 324
- cross-context, 50

beneficiaries, of employees, collection notice for, 203

benefit providers, employees and, 203, 211

biometric identifier, 23

biometric information, 22–23

bots, disclosure to, as sale, 148–149

branding, common, 38–39

broker. *See* data broker

business

- acquisitions, 42–44
- additional requirements on, under CPRA, 57–58
- California-based, 36–37
- common branding and, 38–39
- contact information, 15–16
- core requirements on, 57
- covered, 31–45
- defined, 31–32
- “doing,” 37
- establishment of, in United States, 35–36
- information, 21–22
- law firm as, 292–294
- legal form of, 35
- service provider as, 178–179
- service provider both, and, 179–180
- size thresholds, 32–33, 41–42

business contacts, marketing to, from conferences and trade shows, 262–263

business purposes, in privacy notice, 88–89

C

CAFA. *See* Class Action Fairness Act (CAFA)

California Consumer Privacy Act (CCPA)

- access request age of information in, 105
- access request consumer verification in, 99–100
- access request denial in, 111
- access request failure to honor in, 111–112
- access request flow down in, 97–98
- access request in, work product and, 107–108
- access request policies and procedures in, 102–103
- access request response in, 103–104
- access request scope in, 105–107
- access request unstructured information in, 104–105
- acquisitions in, 42–43
- adoption timeline, 329
- affiliate exception in, 38–41
- aggregate information in, 24
- analytics cookies in, 224–227
- authorized agents in, 156–160
- behavioral advertising cookies in, 227–238
- biometric information in, 22–23
- business contact information in, 15–16
- business defined in, 31–32
- business information in, 21–22
- business size thresholds in, 32–33, 41–42
- businesses covered by, 31–45
- California-based companies and, 36–37
- Children’s Online Privacy Protection Act, 284
- compliance documents and, 59, 61–62
- Consumer Right to Privacy Act and, 1
- consumers in, 44–45
- cookies in, 224–238
- core requirements, 57
- data breach in, 160–168
- data brokers in, 238–241
- data processing addendum in, 176–177, 180–181
- data processing in, 171–173
- data security in, 160–168

- date operative, 2
- deidentified information in, 24–26, 185
- deletion of information before access request in, 109–110
- deletion request exceptions in, 114–115
- deletion requests in, 112–141
- “doing business” in, 37
- employees in, 37–38, 199–213
- enactment of, 1
- encrypted data in, 20–21
- enforceable date, 2
- Family Educational Rights and Privacy Act *vs.*, 283
- financial incentive programs in, 241–244
- GDPR *vs.*, 288–289
- government agencies in, 34
- Gramm-Leach-Bliley Act *vs.*, 282
- hashed data in, 18–20
- HIPAA *vs.*, 281
- IP address in, 17
- law enforcement disclosure in, 87–88
- litigation in, 267–278
- loyalty programs in, 244–261
- Nevada privacy law *vs.*, 285–286
- non-profits and, 33–34
- notice at collection in, 70–73, 75, 77
- opt-in, 63–65
- other statutes *vs.*, 281–289
- paper records in, 16–17
- personal data in, 12
- personal information categories in, 84–86
- personal information in, 5, 8–10, 12–13
- personal information in, *vs.* GDPR, 11–12
- privacy notice in, 71–72, 76–82
- privacy notice in, data breach response practices and, 90–91
- privacy notice in, GDPR-compliant changed to comply with, 83–84
- privacy notice penalty in, 94
- privacy notice translation in, 91–92
- processing in, 12
- pseudonymization in, 26–28
- publicly available information in, 14–15
- regulations implementing, 361–389
- residents of California in, 45
- right to access in, 95–96
- sale opt-outs in, 143–156
- sensitive information in, 28
- service provider in, 50–51, 168–170, 183–184
- service provider requirements in, 60
- subpoena in, 181–182
- text of, 331–359
- tokens in, 20
- trade secrets in, 108–109
- training in, 194–197
- unified business provision in, 38
- Virginia Consumer Data Protection Act *vs.*, 286–287
- work email in, 15–16
- California Electronic Communications Privacy Act (CalECPA), 117
- California Online Privacy Protection Act (CalOPPA), 75–76, 78, 223, 285, 465–467
- California Privacy Protection Agency, 143
- California Privacy Rights Act (CPRA)
 - access requests age of information in, 105
 - access requests and, 97–98
 - additional requirements in, 57–58
 - adoption timeline, 329
 - business size thresholds in, 32
- Children’s Online Privacy Protection Act *vs.*, 284
- cookies in, 225–226, 228–229
- correction requests in, 142–143
- data breach in, 277
- data minimization in, 68–69
- data processing in, 176–177
- data retention period in, 69
- data security in, 161, 164, 166 defined, 2
- deidentified information in, 25
- deletion requests in, 125, 194
- employees in, 200–201, 203–204
- encrypted data in, 20–21
- enforceable date, 2
- Family Educational Rights and Privacy Act *vs.*, 283
- financial incentive programs in, 241
- Gramm-Leach-Bliley Act *vs.*, 282
- HIPAA *vs.*, 281
- job applicants in, 201–202

- California Privacy Rights Act (CPRA),
continued
 litigation in, 268–269
 Nevada privacy law *vs.*, 285–286
 notice at collection in, 70
 operative date, 2
 opt-in in, 65
 opt-out in, 233
 personal information in, 5, 10–11
 privacy notice in, 80–81
 processing addendum in, 176
 Proposition 24 *vs.*, 2
 publicly available information in, 15, 30
 right to access in, 95
 rights under, 3
 sale opt-outs in, 143–156
 sensitive personal information in, 10–11,
 28–31, 66–67
 service provider deletion instructions in,
 194
 service provider flow down in, 98
 service providers in, 51, 61, 169, 173–175
 subcontracting in, 61
 targeted advertising and, 67
 text of, 391–463
 trade secrets in, 109
 training in, 195
 Virginia Consumer Data Protection Act
vs., 287
- CAN-SPAM Act, 64–65, 243–244
- casualty insurance, 319–322
- category-level access request, 95–96, 101–102
- CCPA. *See* California Consumer Privacy Act (CCPA)
- central administration, 35
- “challenge” bot, 149
- Children’s Online Privacy Protection Act (COPPA), 16, 81, 112–113, 284
- class action. *See also* litigation
 for data breach, 270
 information categories triggering, 268
 legal theory in, 273–274
 national, 277
 waiver provisions, 278–279
- Class Action Fairness Act (CAFA), 271
- clients, current, information about, 292
- clients, potential, information about,
 291–292
- collection notice, 69–75, 200–203, 215, 251,
 295–298
- compliance documents, 59, 61–62
- compliance programs, 57–62
- conferences
 business contacts identified during,
 262–263
 on-site tracking at, 264
 organizers transferring attendee
 information to sponsors, 264–265
- confidentiality, processing and, 52
- consumer goods, 304–306
- consumer profile, 67, 230
- Consumer Right to Privacy Act (CRPA), 1
- consumer-directed transfer, 48
- consumers, 44–45
- contract disputes, with service provider, 182
- contractor
 independent, 53–54, 80
 service provider *vs.*, 54–56
- contractual obligations, deletion requests
 and, 130
- controllers, 44
- cookies
 analytics, 224–227
 banner, 215, 218–222, 303, 306, 310–311,
 324
 behavioral advertising, 227–238, 302–303,
 306, 310–311, 313, 315–316,
 318–319, 321–322, 324
 deemed consent banners, 219–220
 defined, 214
 disclosure with, 215
 first party, 217
 notice-only banners, 219–220
 opt-in banners, 219–222
 opt-out banners, 219–220
 persistent, 216
 as personal information, 214
 session, 216–217
 third-party, 218
- COPPA. *See* Children’s Online Privacy Protection Act (COPPA)
- corporate affiliates
 employees and, 210
 sale of information and, 144–145, 210
- correction requests
 defined, 142

- flow down to service providers, 142–143
 - as right, 142
 - CPRA. *See* California Privacy Rights Act (CPRA)
 - credit cards, service providers and, 189
 - credit unions, 34
 - cross-border transfers, 52
 - cross-context behavioral advertising, 50
 - CRPA. *See* Consumer Right to Privacy Act (CRPA)
 - cure, of data breach, 276–277
 - cyber insurance, litigation and, 277–278
- D**
- damage
 - maximum, in data breach, 276
 - minimum, in data breach, 275
 - data analytics cookies, 224–227
 - data breach
 - controller in, 52
 - cure, 276–277
 - damages in, 275–276
 - email in, 167–168
 - incident response plan, 163
 - information types in, 29–30
 - liability for, 270
 - as negligence, 273–274
 - notification, 161
 - in privacy notice, 90–91
 - reporting of, 274–275
 - statutory damages for, 167
 - suit over, 161, 269–274
 - data broker(s)
 - businesses qualifying as, 238–239
 - defined, 238
 - entity collecting from, as service provider, 183–184
 - exemptions with, 240
 - list of, 240
 - opt-out and, 239
 - other laws applying to, 239
 - registration of, 239–240
 - data minimization, 68–69
 - data processing
 - activities counted as, 46–47
 - defined, 12, 46–47
 - deletion requests and reasons for, 118
 - in GDPR, 46
 - in GDPR, addendum for, 171–173
 - data processing addendum (DPA), 176, 180–181
 - data processing amendment, 181
 - data retention period, 69
 - data security
 - information types and, 164–166
 - other laws on, compliance with, 164
 - practices, in privacy notice, 90
 - “reasonable security procedures and practices,” 275
 - as requirement, 160–161
 - requirement scope, 163–164
 - risk assessments, 168
 - standard, 162
 - Written Information Security Plan and, 162–163
 - data subject, 45
 - deidentified information, 24–26, 136, 185
 - deletion
 - flow down requests, 61
 - print media and, 125–126
 - in processing, 52
 - requirements, 61
 - service provider compliance with, 132–133
 - deletion requests, 112–141
 - appeal of denial, 141
 - backup systems and, 129
 - confirmations of, from consumer, 131–132
 - contractual obligations and, 130
 - COPPA and, 112–113
 - deidentification and, 136
 - employees and, 129–130, 137
 - error repair and, 116, 122, 254, 256
 - exceptions to, 114–115, 253–255
 - excessive, 140
 - extension of time to respond to, 139
 - fee for, 137
 - financial institutions and, 303
 - flow down to service provider, 132
 - foreign law and, 130–131
 - former employees and, 129–130
 - free speech and, 115–116
 - future information collection and, 118
 - in GDPR, 113–114, 128–129, 131
 - to health care company, 311

- deletion requests, *continued*
- households and, 134
 - internal uses and, 117, 123
 - IP address and, 122–123
 - job applicants and, 129–130
 - to law firm, 298
 - liability and, with service providers, 133
 - loyalty programs and, 252–259
 - marketing information and, 261–262
 - as not absolute right, 116–117
 - opt-in and, 126–129
 - opt-out and, 126–129
 - penalties for noncompliance, 141
 - point of sale system and, 124–125
 - policies and procedures, 119–121
 - processing reasons and, 118
 - repetitive, 140
 - research and, 117
 - scope of, 113
 - security and, 116
 - to service provider, 192–193
 - by social media, 140
 - suit for failure to honor, 141
 - technical feasibility of, refusal and, 132
 - third party and, 134
 - time to respond to, 138–139
 - transactions and, 116, 121, 253
 - verification methodology for, 118–119
 - wrongdoing detection and, 122, 254, 256
- discovery requests
- access requests as, 295
 - collection notice and, 295–296
 - to service provider, 182
- discrimination
- deletion from marketing list as, 135
 - loyalty programs as, 247–248
- DNA, in CCPA, 23
- Do Not Sell My Personal Information link
- from consumer goods companies, 305
 - cookies and, 227, 232–233
 - data brokers and, 240–241
 - from financial institutions, 302
 - from health care companies, 310
 - from hotels, 312
 - how many websites have, 150
 - from insurance companies, 321
 - in Interactive Advertising Bureau Framework, 234
 - loyalty programs and, 259
 - from pharmaceutical companies, 318
 - as requirement, 143–144
 - from retailers, 323
 - suit for failure to post, 155–156
 - timeline of, 64, 240
 - U.S. Privacy String and, 235–236
 - “Do Not Track” signal, 222–224
 - documents, compliance, 59, 61–62
 - doing business, 37
 - DPA. *See* data processing addendum (DPA)
 - driver’s license number, in identity verification, 100
- E**
- email
- in data breach, 167–168
 - marketing, 64–65
 - work, 15–16
- employees
- beneficiaries of, collection notice for, 203
 - in California, 37–38
 - collection notice for, from employer, 200–201
 - consent to transfer, 211
 - corporate affiliates and, 210
 - deletion requests and, 129–130, 137
 - infectious disease and information sharing from, 211–213
 - of law firms, 291
 - personal information collected by employer on, 199
 - privacy notice for, 91, 203–206
 - responsible for privacy compliance, 213
- encrypted data, as personal information, 20–21
- erasure request. *See* deletion requests
- European Union. *See* General Data Protection Regulation (GDPR)
- exclusion, of Californians, from loyalty programs, 261
- F**
- Family Educational Rights and Privacy Act (FERPA), 81, 96, 283
- federal court, 270–273
- fees, for deletion request, 137

FERPA. *See* Family Educational Rights and Privacy Act (FERPA)
 financial incentive programs, 63, 241–244, 248–251
 financial services, 299–304
 foreign law, deletion requests and, 130–131
 free speech, deletion requests and, 115–116

G

GDPR. *See* General Data Protection Regulation (GDPR)
 General Data Protection Regulation (GDPR)
 access request extension in, 97
 access request response in, 103–104
 acquisitions in, 43–44
 anonymization in, 26
 CCPA *vs.*, 288–289
 central administration in, 35
 controllers in, 44
 correction requests in, 142
 data minimization in, 68
 data processing addendum for service provider under, 171–173
 data security standard in, 162
 data subject in, 45
 deletion of information before access request in, 110–111
 deletion requests in, 113–115, 128–129, 131, 139
 encrypted data in, 21
 establishment of business in, 35–36
 government agencies in, 34
 hashed data in, 19
 lawful bases in, 62–63
 non-profits in, 33
 paper records in, 16
 personal information in, *vs.* CCPA, 11–12
 privacy notice in, 83–84
 processing in, 46
 processors in, 44
 pseudonymization in, 27
 right to access in, 96
 service provider liability in, 193
 service providers in, 170–171
 tokens in, 20
 GLBA. *See* Gramm-Leach-Bliley Act (GLBA)

global privacy opt-out, 151–156
 government agencies, 34, 187–189
 government records, business obtaining personal information from, 14
 Gramm-Leach-Bliley Act (GLBA), 39–40, 282, 299

H

hashing, 18–20, 148
 health care providers. *See also* Health Insurance Portability and Accountability Act (HIPAA)
 business associates and, 307
 data collected by, 308
 exemptions and, 307
 litigation and, 267–268
 privacy notices from, 308–309
 health insurance, 313–316
 Health Insurance Portability and Accountability Act (HIPAA), 16, 81, 96, 281, 306, 308
 HIPAA. *See* Health Insurance Portability and Accountability Act (HIPAA)
 homepage, collection notice on, 202
 hospitality industry, 311–313
 hotels, 311–313
 households, deletion requests and, 134
 human resources, 199–213

I

IAB. *See* Interactive Advertising Bureau (IAB)
 Illinois, biometric information in, 22–23
 incentive programs, 63
 incident response plan (IRP), 163
 independent contractor, 53–54, 180
 infectious disease, employee information sharing and, 211–213
 infrastructure location, 35
 instructions, documented, 51
 insurance
 litigation and, 277–278, 316
 privacy notices from, 313–314
 Interactive Advertising Bureau (IAB), 234, 236–237
 IP address, 17–18, 122–123
 IRP. *See* incident response plan (IRP)

J

- job applicants
 - collection notice for, 201–203
 - deletion requests and, 129–130
- job application, collection notice on, 202–203

L

- law enforcement, sharing with, privacy notice and, 87–88
- law firms, 291–298
 - access request to, 294–295
 - as business *vs.* service provider, 292–294
 - collection notice from, 295–296
 - deletion request to, 298
 - employees of, 291
 - information collected by, 291–292
 - potential clients of, 291
- lawful basis, 62–63
- lawsuit. *See* litigation
- legal form, of business, 35
- liability
 - for data breach, 270
 - in service provider misuse of information, 193
 - subcontracting, 52
- life insurance, 313–316
- Limited Service Provider Agreement (LSPA), 236–237
- litigation
 - arbitration causes and, 278–279
 - class action, 268, 270, 273–274, 277
 - class action waiver provisions and, 278–279
 - cyber insurance and, 277–278
 - for data breach, 161, 269–272
 - establishment of injury for, 271
 - for failure to honor deletion requests, 141
 - for failure to post Do Not Sell My Personal Information link, 155–156
 - with financial institutions, 303–304
 - groups entitled to, 267
 - health care providers and, 267–268
 - legal theory in, 273–274
 - locations for filing, 272
 - negligence in, 273–274
 - outside California, 273
 - state *vs.* federal court, 270–272

- statute of limitations and, 278
 - without injury, 271–272
- location, of infrastructure, 35
- lookalike audience, 148
- loyalty programs, 244–261
 - access requests and, 104, 252
 - benefits of, relation to data value, 246–247
 - Californians excluded from, 261
 - collection notice and, 251
 - data from as trade secret, 250–251
 - deletion requests and, 252–259
 - discounts for members of, 245–246
 - as discrimination, 247–248
 - Do Not Sell My Personal Information link, 259
 - as financial incentive, 244
 - financial incentive notice with, 248–251
 - inactive users of, deletion requests and, 255–257
 - privacy notice and, 252
 - redemption of benefits of, as sale of information, 259–260
 - rights in relation to, 244–245
 - third parties and, 260
 - valuation of data in, 249–250
- LSPA. *See* Limited Service Provider Agreement (LSPA)

M

- map service, disclosure to, as sale, 149–150
- marketing
 - to business contact from conferences and trade shows, 262–263
 - and data transfer in acquisitions, 146–147
 - deletion requests and, 261–262
 - email, 64–65
 - and sharing of information with corporate affiliates, 144–145
- marketing lists, deletion from, as discrimination, 135
- Maryland, personal information in, 14
- minors, sale of information about, 63

N

- NAI. *See* Network Advertising Initiative (NAI)
- National Institute of Standards and Technology (NIST), 12–13

- negligence, as legal theory in data breach suit, 273–274
- Network Advertising Initiative (NAI), 13
- Nevada, privacy law in, 285–286
- NIST. *See* National Institute of Standards and Technology (NIST)
- non-profits, 33–34, 187
- notarization, in identity verification, 101
- notice
 - at collection, 69–75, 77
 - privacy, 71–72, 75–94
- O**
- offline collection, notice at collection and, 73
- online account, in identity verification, 101
- online tracking, 218
- on-site tracking, at conferences, 264
- opt-in
 - for AdTech cookies, 230
 - for analytics cookies, 225–226
 - for behavioral advertising cookies, 230–231
 - deletion requests and, 126–129
 - for email marketing, 64–65
 - for use of personal information, 63–64
- opt-out
 - with analytics cookies, 226–227
 - with behavioral advertising cookies, 231–232
 - data brokers and, 239
 - deletion requests and, 126–129
 - Do Not Track *vs.*, 223–224
 - global privacy, 151–156
 - share, 156
 - transfers and, 49
- P**
- paper records, in CCPA, 16–17
- Payment Card Industry (PCI) Data Security Standard (DSS), 190–191
- payment processors, as service providers, 191–192
- permissible purpose, 62–63. *See also* uses, permissible
- personal data
 - in CCPA, 12
 - in GDPR, 11–12
- personal information
 - aggregated information as, 24
 - business obtaining from government records, 14
 - categories of, 9–10
 - in CCPA, 5, 8–10, 12–13
 - cookies as, 214, 216–217
 - in CPRA, 5, 10–11
 - defined, 5
 - deidentified information as, 24
 - elsewhere in California Code, 8–10
 - encrypted data as, 20–21
 - hashed data as, 18–20
 - IP address as, 17–18
 - in Maryland, 14
 - in other state privacy laws, 14
 - permissible uses of, 62–65
 - personally identifiable information *vs.*, 12–13
 - in privacy notice, categories of, 84–86
 - requests to access, 95–112
 - salted hashed data as, 19–20
 - sharing of, 49–50
 - token as, 20
 - types of information qualifying as, 5–8, 10–11
 - types of information subject to security requirements, 164–166
- personally identifiable information, personal information *vs.*, 12–13
- pharmaceutical companies, 317–319
- point of sale system, deletion requests and, 124–125
- policies, 61–62
- print media, deletion requests and, 125–126, 137
- privacy compliance, employee responsible for, 213
- privacy notice, 75–94
 - acquisitions and, 89–90
 - additional categories in, 86–87
 - for both customers and employees, 91
 - business purpose in, 88–89
 - from consumer goods companies, 304
 - in CPRA, 80–81
 - data breach response practices in, 90–91
 - data security practices in, 90
 - defined, 75

privacy notice, *continued*

- for employees, 203–206
- from financial institution, 300–301
- for GDPR *vs.* CCPA, 83–84
- from health care providers, 308–309
- from hotels, 311
- by industry sector, 93–94
- information included in, 79–80, 204–205
- from insurance company, 319–320
- law enforcement sharing in, 87–88
- loyalty programs and, 252
- maximum penalty for noncompliance, 94
- notice at collection and, 71–72
- notice at collection *vs.*, 77
- at or before point information is collected, 77–78
- for other laws *vs.* CCPA, 81–83
- penalty for noncompliant, 94
- personal information categories in, 84–86
- from pharmaceutical company, 317
- from retailer, 322
- sale of information in, 91
- terminology for, 75–76
- in third-party data obtaining, 78–79
- translation of, 91–92
- updated, 93
- procedures, 61–62
- processors, 44, 51–53
- promotions, financial incentives and, 243–244
- property insurance, 319–322
- Proposition 24, 2
- protocols, 61–62
- pseudonymization, 26–28
- public health, employees and, 211–213
- publicly available information
 - in CCPA, 14–15
 - in CPRA, 15
 - as sensitive personal information, 30

R

- “reasonable security procedures and practices,” 275
- rectification requests. *See* correction requests
- residents of California, 45
- retailers, 322–324

- return, in processing, 52
- risk assessment, security, 168
- rulemaking
 - expected, 326–327
 - topics identified for, 325–326

S

- sale of information
 - analytics cookies as, 224
 - behavioral advertising as, 228–229
 - by consumer goods companies, 305
 - corporate affiliates and, 144–145
 - defined, 47, 63, 149–150, 285
 - disclosure for lookalike audience as, 148
 - disclosure to bot as, 148–149
 - disclosure to map service as, 149–150
 - disclosure to third party as, 147
 - do-not-sell link, 144, 150, 155–156
 - from financial institutions, 302
 - by health care providers, 310
 - by hotels, 312
 - by insurance companies, 315, 321
 - loyalty program benefit redemption as, 259–260
 - in Nevada privacy law, 285
 - opt-out, 143
 - by pharmaceutical company, 318
 - in privacy notice, 91
 - by retailers, 323
 - steps for, 143–144
 - transfers that are not, 48, 210–211
- salted hashing, 19–20
- “score” bot, 149
- security, processor, 52. *See also* data security
- selling, 47–49
- sensitive personal information
 - AdTech and, 67
 - in CPRA, 10–11, 28–31, 66–67
 - level of sensitiveness, 28
 - link for limiting use of, 67–68
 - as new category, 29–30
 - permissible uses of, 65–68
 - publicly available information as, 30
 - targeted advertising and, 67
- sensitive personal information, in CPRA, 10–11

- service provider
 - access request flow down to, 97–98
 - access request to, 192–193
 - acquiring banks as, 191–192
 - additional requirements on, under CPRA, 61
 - aggregation by, 185
 - analytics cookies and, 224–225
 - behavioral advertising cookie providers as, 229–230
 - business as, 178–179
 - business as both, and, 179–180
 - with client not subject to CCPA, 186
 - contract dispute with, 182
 - contractor *vs.*, 54–56
 - core requirements for, 60
 - correction request flow down to, 142–143
 - in CPRA, 173–175
 - credit cards and, 189
 - defined, 50–51, 180
 - deidentification by, 185
 - deletion instructions transmitted to, 194
 - deletion request and, 132–133, 192–193
 - deletion request liability and, 133
 - disclosure to lawyer, 182–183
 - discovery requests to, 182
 - entity collecting from data broker as, 183–184
 - to government agency, 187–189
 - indemnification of business, 193
 - independent contractor as, 180
 - law firm as, 292–294
 - misuse of personal information by, 193
 - non-profits and, 187
 - notice at collection provided by, on behalf of business, 72, 75
 - Payment Card Industry (PCI) Data Security Standard (DSS) and, 190–191
 - payment processors as, 191–192
 - processor *vs.*, 51–53
 - specific system, 194
 - subpoena of, 181–183
 - transfers to, 49
 - vendor agreement amendment to treat as, 170–171
 - vendors as, 168–169
 - share opt-out, 156
 - Shine the Light law, 393, 469–477
 - social media, deletion request via, 140
 - Social Security number, in identity verification, 100
 - specific-information access request, 95–96
 - sponsors, conference, attendee information transferred to, 264–265
 - statute of limitations, 278
 - subcontracting
 - in CPRA, 61
 - processing and, 52 (*See also* contractor)
 - subpoena, 181–183, 297–298
 - suing. *See* litigation
- T**
- targeted advertising, 67
 - telephone, notice at collection over, 72–73
 - third party
 - deletion request flow down and, 134
 - disclosure to, as sale, 147
 - loyalty programs and, 260
 - privacy notice and, 78–79
 - transfers and, 48–49
 - vendor management, 168–197
 - token, as personal information, 20
 - tracking
 - online, 218 (*See also* cookies)
 - on-site, 264
 - trade secrets, 262–263
 - in access request, 108–109
 - loyalty program data as, 250–251
 - trade shows, 262
 - training, as required, 194–195
 - transfers, that are not sales, 48, 210–211. *See also* data processing
 - translation
 - of notice at collection, 73–74
 - of privacy notice, 91–92
- U**
- unified business provision, 38
 - U.S. Privacy String, 235–236
 - uses, permissible
 - of personal information, 62–65
 - of sensitive personal information, 65–68

V

valuable consideration, 47–48
vendors, third-party. *See also* third party
 amendment of agreements with, to
 add service provider provisions,
 170–171
 management of, 168–197
 as service providers, 168–169
Virginia Consumer Data Protection Act
(VCDPA), 286–287

W

waiver, class action, 278–279
WISP. *See* Written Information Security
 Plan (WISP)
work email, in CCPA, 15–16
Written Information Security Plan (WISP),
 162–163