

California Consumer Privacy Act Series: Part 2

Understanding Data Subject Requests

Prepared by



Overview

Although enforcement of the CCPA requirements was supposed to begin on July 1, 2020, as of the time of this writing, the final regulations implementing the law have not been approved. Once the law is being enforced, a key component is handling Data Subject Requests to access and delete personal data held by a business. In order to meet these requirements, a business may need to establish processes in order to accept, verify, process, and respond to consumer requests.

Request In-take

The CCPA requires a business to establish at least two methods for consumers to submit requests for information:

1. Toll-free phone number
2. Website address if a business has a website

To meet these requirements businesses may have to establish a new phone line, re-train agents, or expand their call center. In addition, businesses are commonly setting up a dedicated privacy email inbox or web form on their website.

Verification of Requests

When the CCPA implementation regulations are finalized, covered businesses will be required verify the consumer to make sure a request is legitimate. Although the business has to make a good faith attempt to verify the consumer, it does not have to add personal information into its systems. The consumer must be notified that a request has been received, and the business has 45 days to complete the verification (unless the consumer is notified that an extension is necessary). If the business cannot verify the consumer, it does not have to respond to the request.

Access Requests

The right of access gives consumers the right to request that a business disclose the following:

- Categories of personal information collected;
- Categories of sources from which personal information is collected;
- The business or commercial purpose;
- Categories of third parties with which the business shares personal information;
- The specific pieces of personal information the business holds about a consumer; and
- If a business sells personal information or discloses it for business purposes, consumers have the right to request the categories of information so sold or disclosed.

Access requests may be easier for companies that maintain specific databases, but many companies also collect unstructured data related to consumers. Thus, an initial step is to conduct a data mapping of all personal information and to identify how it will organize responses to data requests.

Deletion

Consumers have the right to request deletion of personal information. This right is subject to many potential exceptions including a business does need not to delete personal information necessary for detecting security incidents, exercising free speech, protecting or defending against legal claims, or for internal uses reasonably aligned with the consumer's expectations. Companies should engage legal counsel to assist in making decisions regarding whether or not any CCPA exceptions may apply, and how to implement proper procedures.

Written by the Conexus [Data Privacy Working Group](#)

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Sources: California Legislative Information: California Consumer Privacy Act of 2018 SB-1121