



State of California
California Privacy Protection Agency

To: California Privacy Protection Agency Board
(Meeting of July 14, 2023)

From: Nelson Richards
Assistant Chief Counsel

Philip Laird
General Counsel
California Privacy Protection Agency

Date: July 5, 2023

Re: Delegation of Authority for Hiring of a Chief Privacy Auditor

This memorandum provides staff's recommendation to the Board on the process for hiring the California Privacy Protection Agency's (the Agency's) Chief Privacy Auditor. Attachment A to this memorandum is a draft delegation reflecting staff's recommendation for the Board to consider during the July 14, 2023.

Background

The California Consumer Privacy Act (CCPA) establishes the Agency and vests it with full administrative power, authority, and jurisdiction to enforce the Act. Civ. Code § 1798.199.10. The Agency is governed by a five-member board, including the Chairperson. *Id.* The law reserves to the Board certain duties and obligations: appointing an Executive Director, resolving enforcement actions, and exercising rulemaking authority. *See id.* §§ 1798.199.30, 1798.199.35. All authority not expressly reserved to the Board may be delegated to the Chairperson or Executive Director. *Id.* § 1798.199.35.

The CCPA states that the "agency shall . . . appoint a Chief Privacy Auditor to conduct audits of businesses to ensure compliance with this title." *Id.* § 1798.199.40(f). In past board meetings, there have been discussions about whether the Chief Privacy Auditor must be hired by the Board in the same way the Executive Director must be. Staff has concluded that the Chief Auditor appointment can be delegated to the Executive Director.

Recommendation

Staff recommends that the Board delegate to the Executive Director the authority to conduct and oversee the hiring of the Agency's Chief Privacy Auditor.

ATTACHMENT A

CALIFORNIA PRIVACY PROTECTION AGENCY

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**Delegation to the Executive Director to Oversee the Hiring of the Chief Privacy Auditor**

Pursuant to Civil Code sections 1798.199.35 and 1798.199.40 subd. (f), the California Privacy Protection Agency (“Agency”) Board delegates to the Agency’s Executive Director the authority to act on the Board’s behalf to conduct and oversee the hiring of the Agency’s Chief Privacy Auditor [with the exception that the selected candidate shall be presented to the Board for concurrence in the hiring].¹

¹ The bracketed text is optional based on the Board’s preference.