

Does My Business Need To Comply With The CCPA?



This document is for informational purposes only. It is not exhaustive and does not implement, interpret, or make specific the law enforced or administered by the CPPA, establish substantive policy or rights, or constitute legal advice. Nor does this document represent all of the potentially applicable law.

Businesses that meet certain thresholds must comply with the CCPA. Answering these questions will help you determine if your business meet those requirements.

1. Are you a for-profit entity?

For example, are you a sole proprietorship, partnership, LLC, corporation, association, or other legal entity that is organized or operated for the profit or financial benefit of its shareholders or other owners?

[If NO, go to #6]

2. Do you collect, buy, rent, gather obtain, receive or access consumers' personal information?

See "What is Personal Information?" information sheet and definitions of "collect" and "personal information" in the CCPA.

3. Do you do business in California?

4. Do you determine the purpose and means of processing the personal information, either by yourself or jointly with others?

For example, do you decide whether to collect the personal information and how to use it?

5. Do you meet at least one of the following?

- Have a gross annual revenue of over \$26,625,000 for the previous calendar year.
- Buy, sell, or share the personal information of 100,000 or more consumers or households.
- Derive 50% or more of your annual revenue from selling or sharing consumers' personal information.

For more information
California Privacy Protection Agency
<https://cppa.ca.gov/faq>

If you answered YES to questions 1-5, then you likely need to comply with the CCPA, unless a statutory exemption applies to your business or the personal information you collect. See Exemptions on page 2.

The California Privacy Protection Agency's mission is to protect consumer privacy, ensure that businesses and consumers are well-informed about their rights and obligations, and vigorously enforce the California Consumer Privacy Act.

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6. Are you “controlled” by an entity that answered yes to questions 1-5?

“Control” means ownership of, or the power to vote, more than 50% of the outstanding shares of any class of voting security; control in any manner over the election of a majority of the directors, or of individuals exercising similar functions; or the power to exercise a controlling influence over the management of a company.

7. Do you share common branding with that entity?

“Common branding” means a shared name, service-mark, or a trademark that the average consumer would understand that two or more entities are commonly owned.

If you answered YES to questions 6-7, you likely need to comply with the CCPA, unless a statutory exemption applies to your business or the personal information you collect. See Exemptions on page 2.

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Other Considerations

Any entity not already subject to the CCPA, including for-profit entities and non-profits that have not answered yes to questions 6-7, can voluntarily certify that they are compliant with the CCPA.

If you are involved in a joint venture where each business has at least 40% interest, the joint venture may also be subject to the CCPA and have other restrictions regarding the sharing of personal information. See Civil Code § 1798.140(d)(3) and consult an attorney.

Exemptions

The CCPA provides for some exemptions to certain entities and uses of personal information.

For example, there are certain exemptions when the CCPA would restrict the business's ability to comply with other laws or exercise or defend legal claims; and when data are governed and processed in compliance with other laws like HIPAA, GLBA, and FCRA. See Civil Code § 1798.145.

To determine whether an exemption applies to your business, consult an attorney for legal advice about any rights or obligations you may have under the law.