



CCPA and CPRA: Setting the Record Straight

March 13, 2024

Presenter: Adam Crowell, Vice President of Legal and Corporate Development

Today's Presenter

CCPA and CPRA: Setting the Record Straight



Adam Crowell

Vice President

Legal & Corporate Development

Adam is a licensed practicing attorney and former litigator with over 21 years of experience – primarily representing dealerships.

Adam is a frequent speaker and compliance thought leader on the local, state, and national levels, including presentations to the National Automobile Dealers Association (NADA), the National Independent Auto Dealers Association (NIADA), and the National Association of Dealer Counsel (NADC).



Complete Dealership Compliance

The only All-In-One Compliance Solution for the Automotive Industry



Complete Compliance

Here are the Facts



Industry Experience	35+ Years
# of Employees	400+
Expert Compliance Consultants	140+ Tenured Employees
# Years of Consulting Experience	800+
Online Training Team	20 Full-Time Employees
Online Training Library	Award-Winning Library of 300+ Courses
Guided Compliance Process	Yes - 10 Step Process
Customer Service	Industry Leading Customer Satisfaction

Pick KPA

Our Expertise & Solutions

COMPLETE COMPLIANCE

Privacy and Safeguards

Protect the privacy and security of customer information with a platform, process, and people to guide you through the regulatory environment.

Advertising, Sales & Finance

Avoid fines and legal actions with advertising, sales, and finance compliance solutions, including compliance with the new FTC CARS Rule.

Environmental Health & Safety

Identify issues, implement corrective actions, and remain compliant with environment, health, and safety regulations.

Human Resources

Streamline workforce management and HR compliance throughout the employee lifecycle.

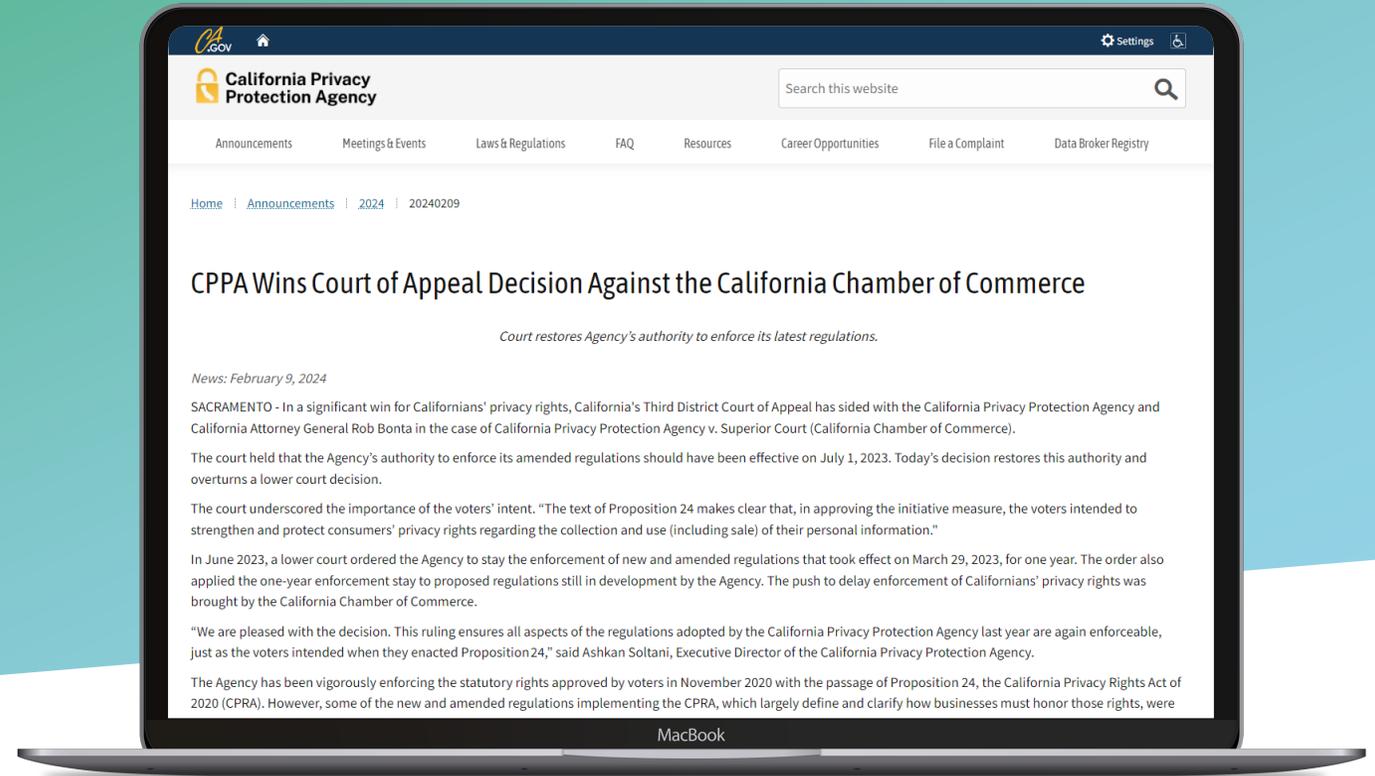
Disclaimer

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Recent CPRA (aka CCPA 2.0) Announcement

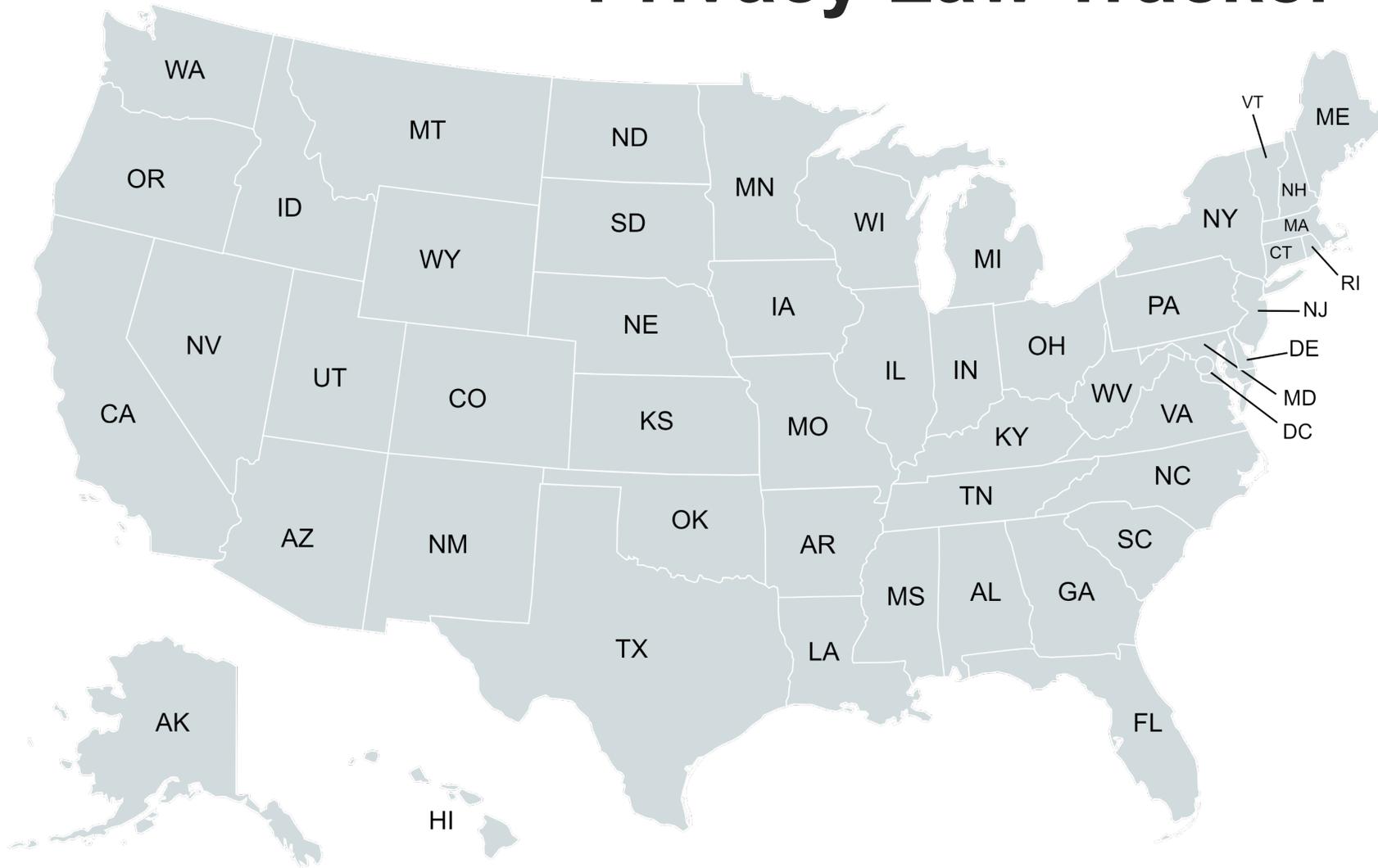
February 9, 2024

What is the status?



Privacy Law Tracker

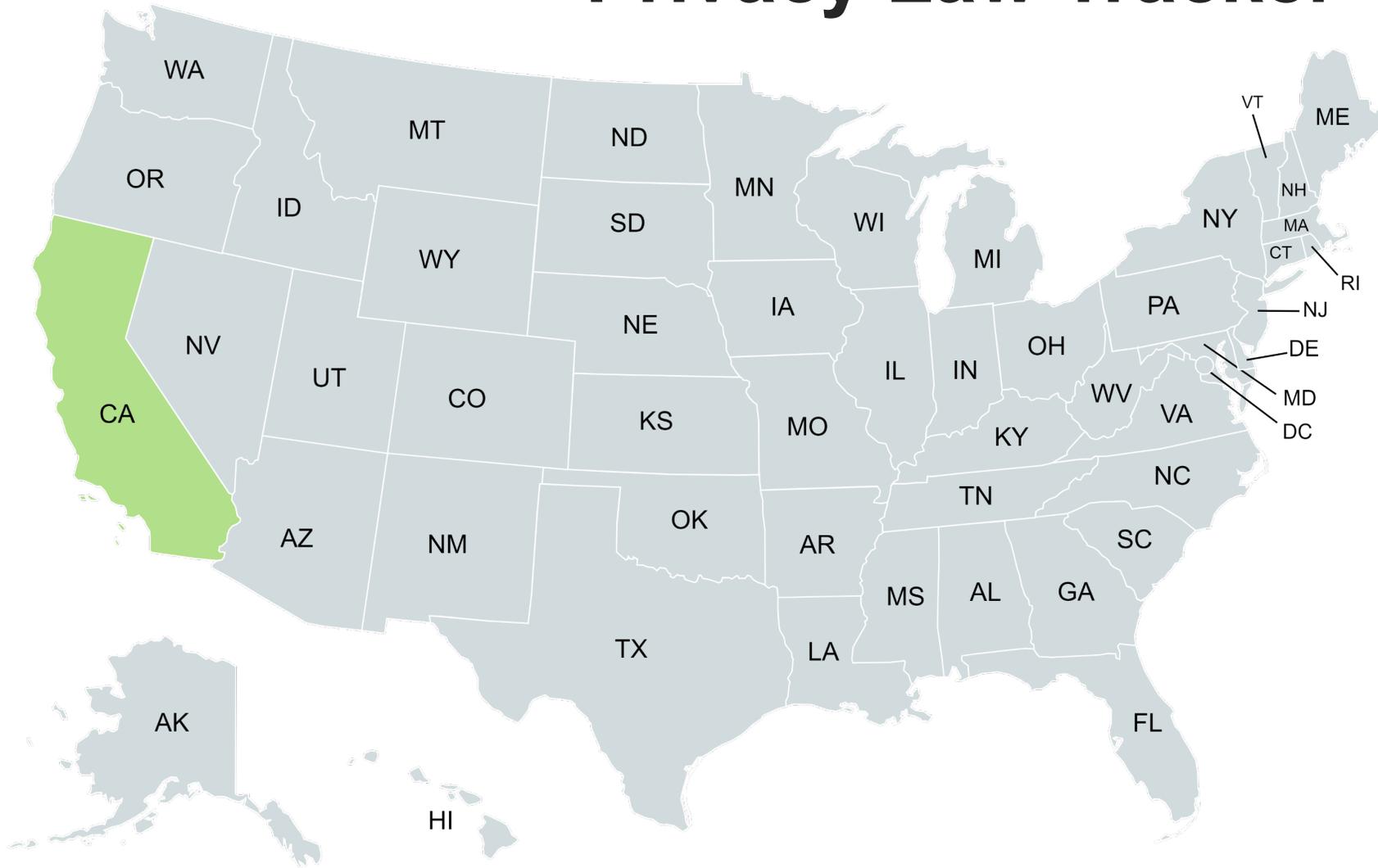
Privacy Laws in effect:



Privacy Law Tracker

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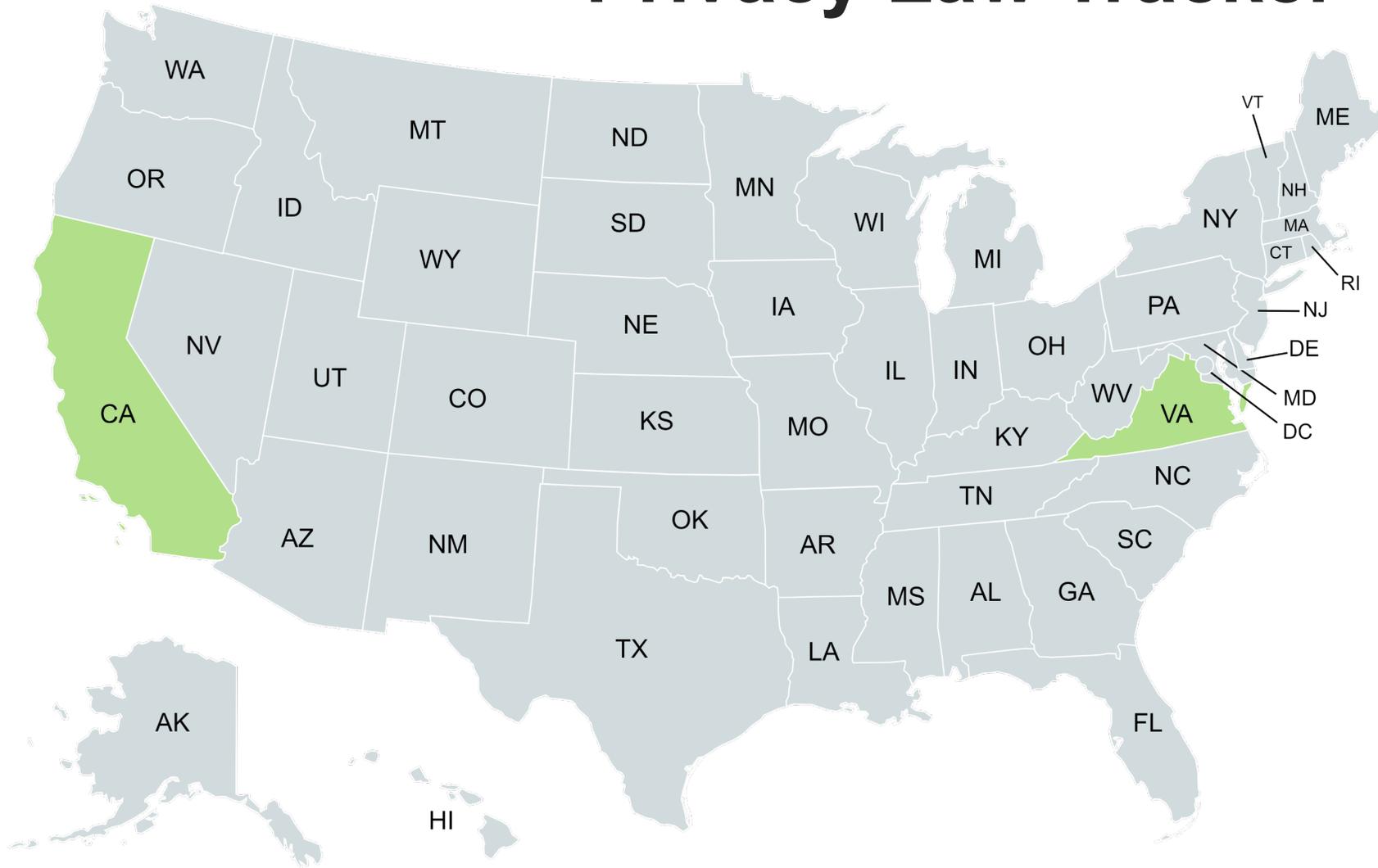
- California - January 1, 2020 (CCPA)



Privacy Law Tracker

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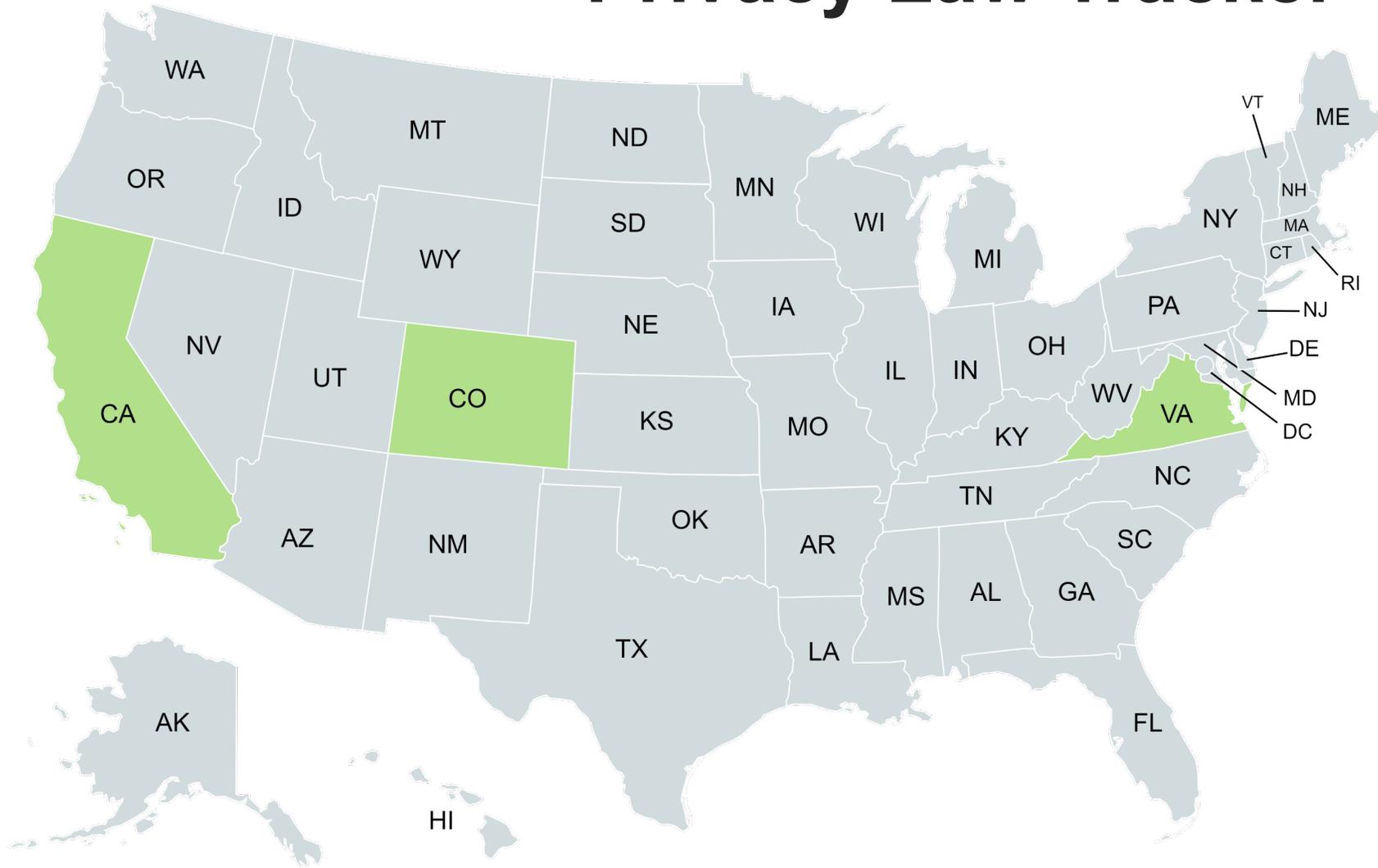
- California - January 1, 2020 (CCPA)
- Virginia - January 1, 2023



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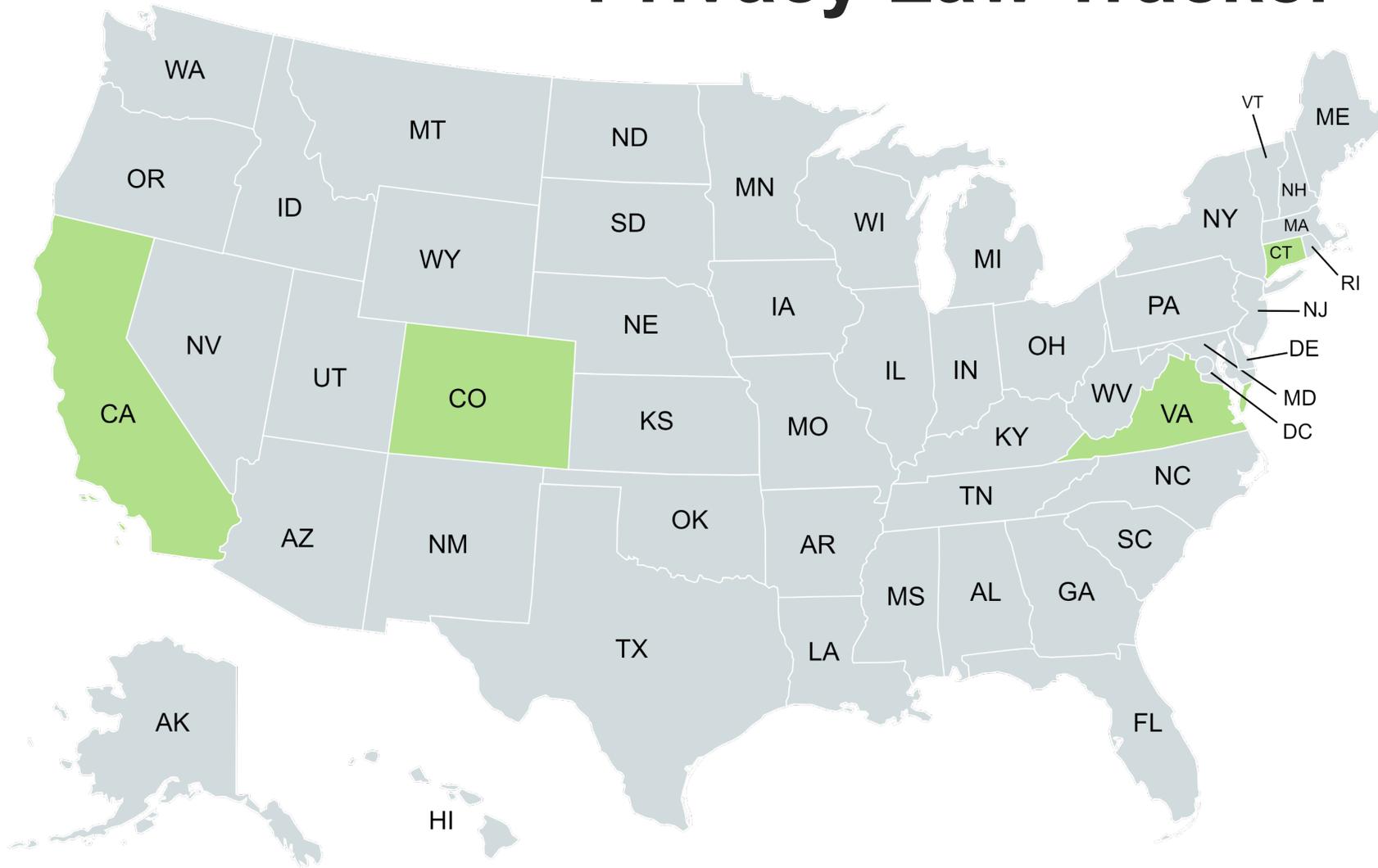
- California - January 1, 2020 (CCPA)
- Virginia - January 1, 2023
- Colorado - July 1, 2023



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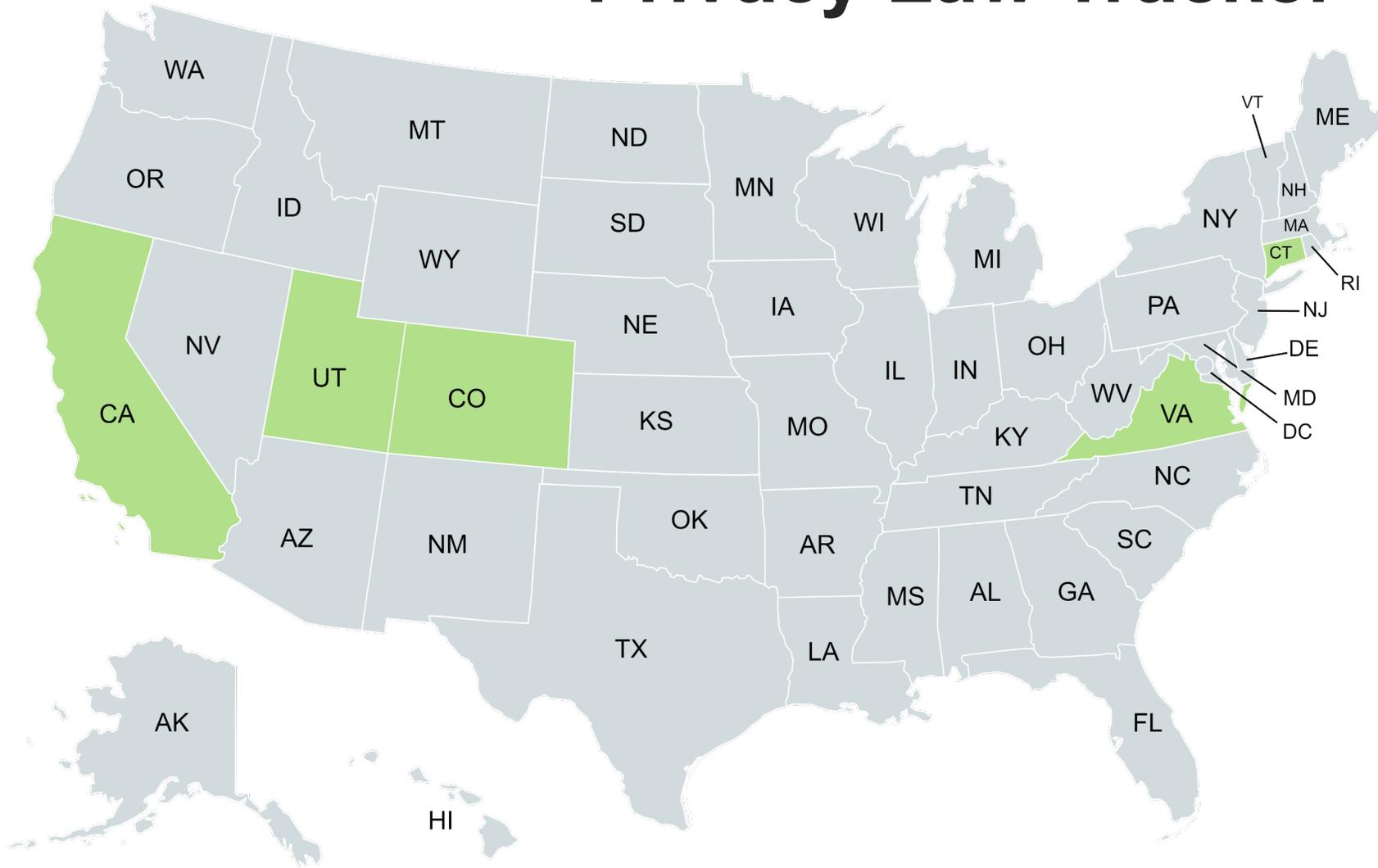
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- Connecticut - July 1, 2023



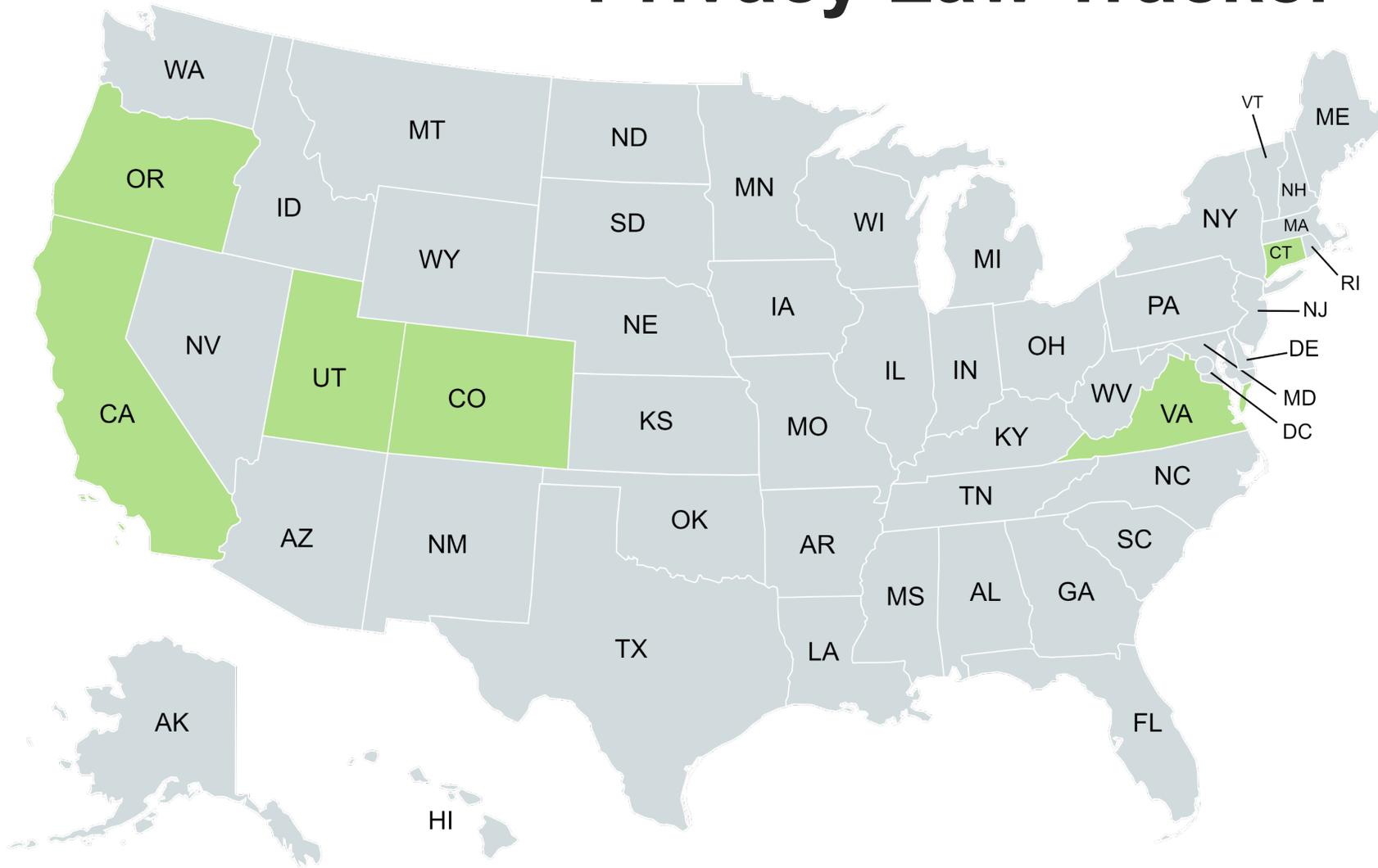
Privacy Law Tracker

Privacy Laws in effect:

- California - January 1, 2020 (CCPA)
- Virginia - January 1, 2023
- Colorado - July 1, 2023
- Connecticut - July 1, 2023
- Utah - December 31, 2023



Privacy Law Tracker



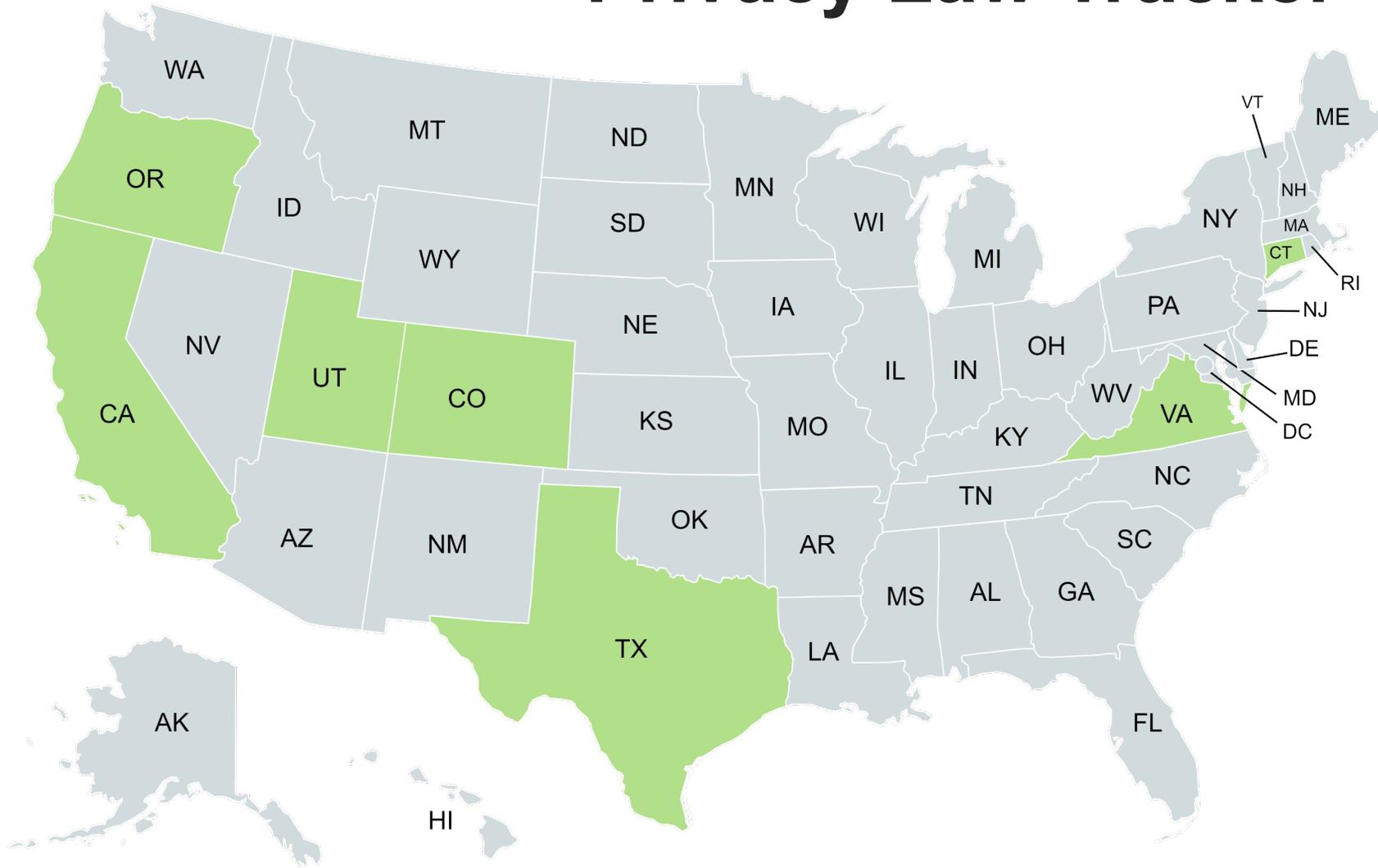
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- Connecticut - July 1, 2023
- Utah - December 31, 2023

Privacy Laws going into effect:

- California - To Be Discussed (CPRA)
- Oregon - July 1, 2024

Privacy Law Tracker



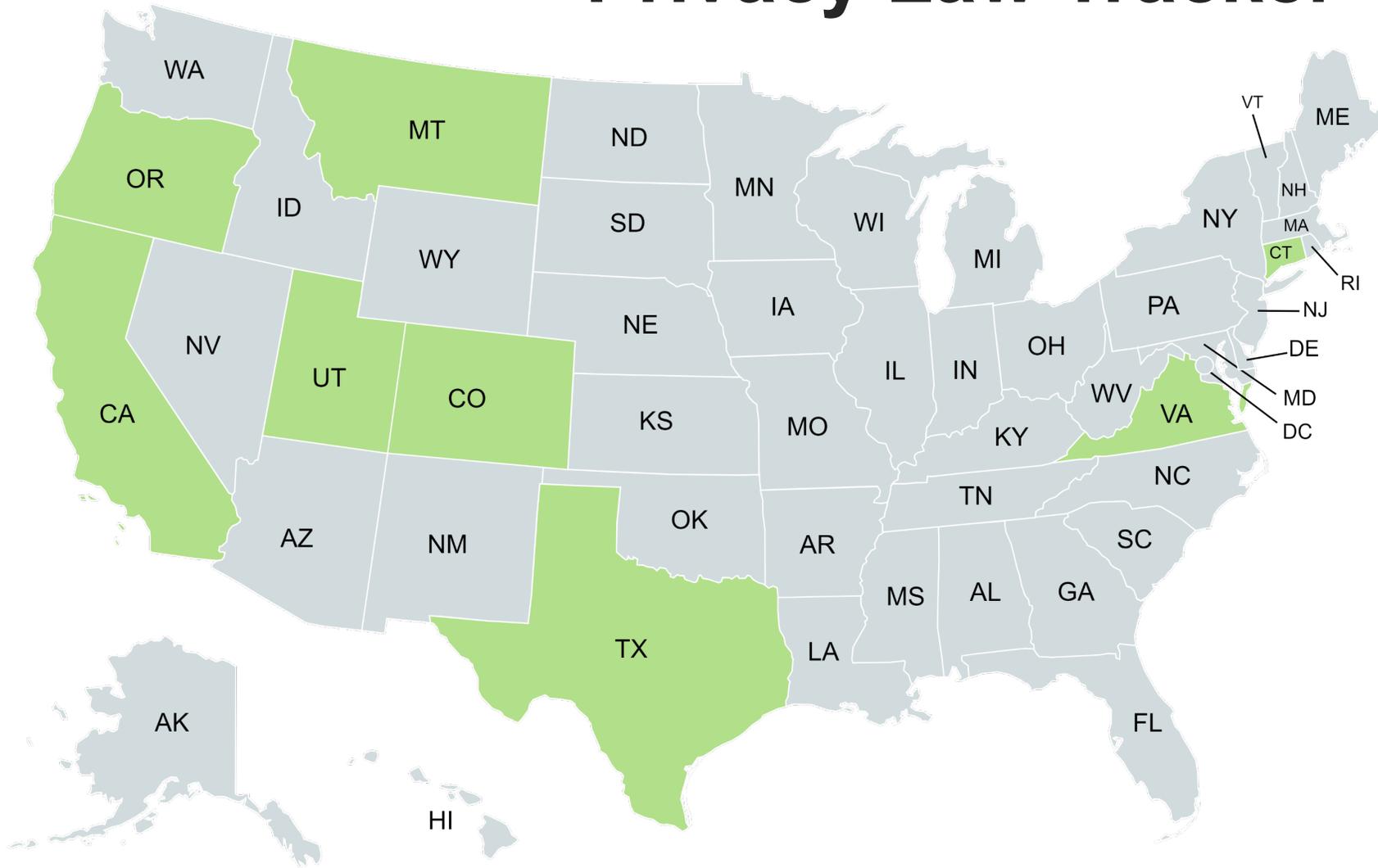
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- Oregon - July 1, 2024
- Texas - July 1, 2024

Privacy Law Tracker



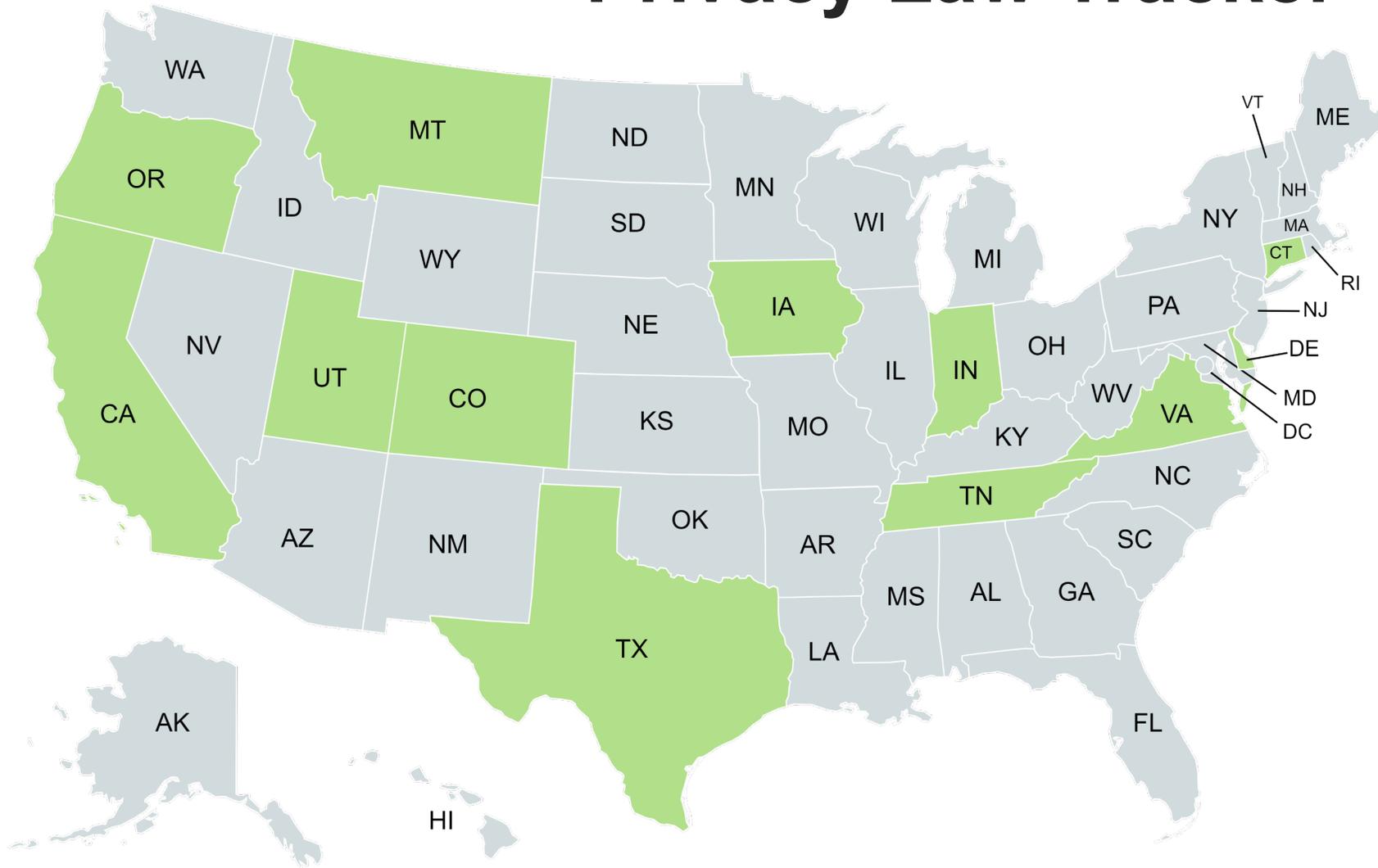
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- Utah - December 31, 2023

Privacy Laws going into effect:

- California - To Be Discussed (CPRA)
- Oregon - July 1, 2024
- Texas - July 1, 2024
- Montana - October 1, 2024

Privacy Law Tracker



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- Colorado - July 1, 2023
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- Utah - December 31, 2023

Privacy Laws going into effect:

- California - To Be Discussed (CPRA)
- Oregon - July 1, 2024
- Texas - July 1, 2024
- Montana - October 1, 2024
- Iowa - January 1, 2025
- Delaware - January 1, 2025
- Tennessee - July 1, 2025
- Indiana - January 1, 2026

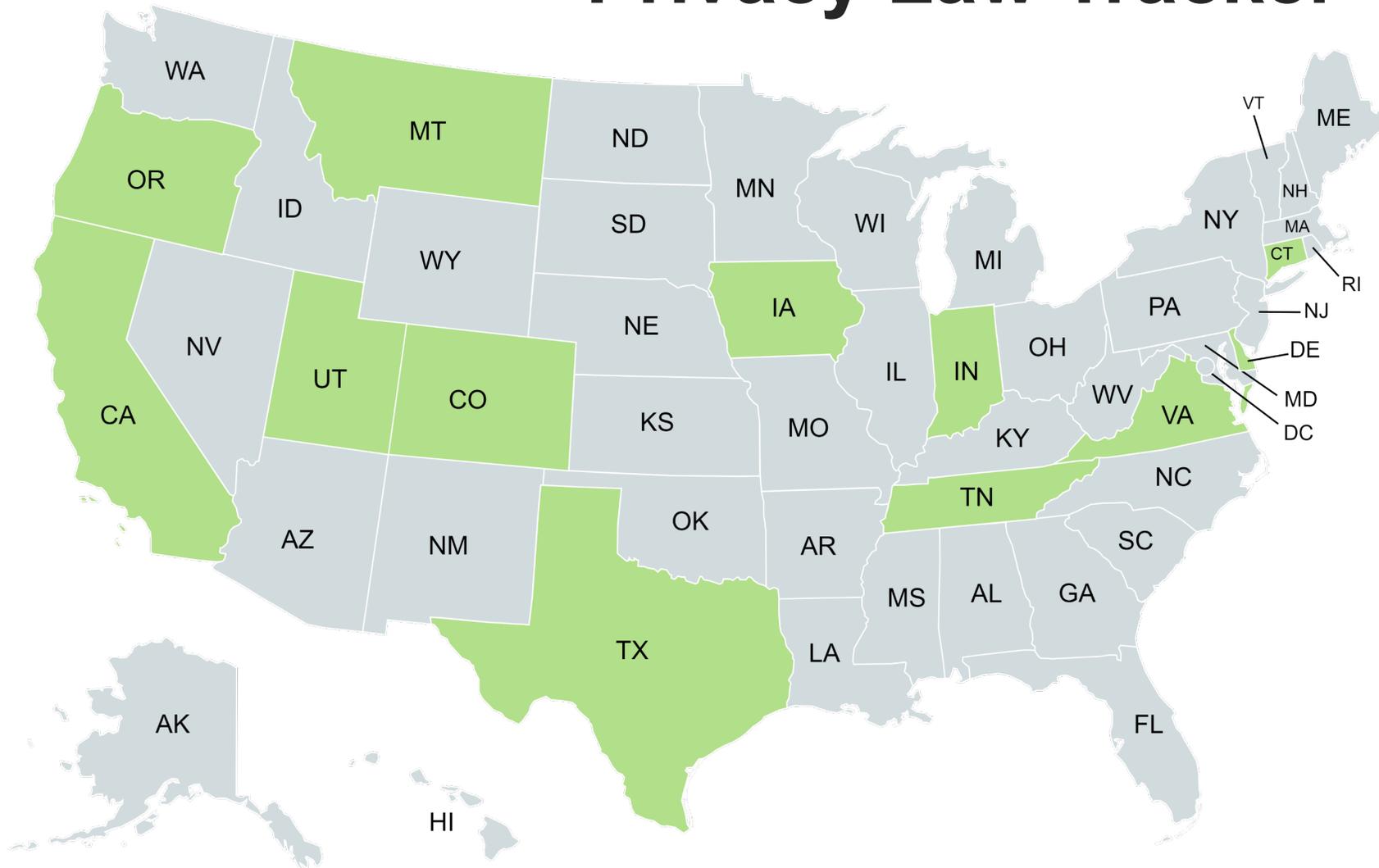
Privacy bills passed (unsigned)

- New Hampshire - January 1, 2025

Privacy bills nearing passage:

- Kentucky
- West Virginia
- Wisconsin

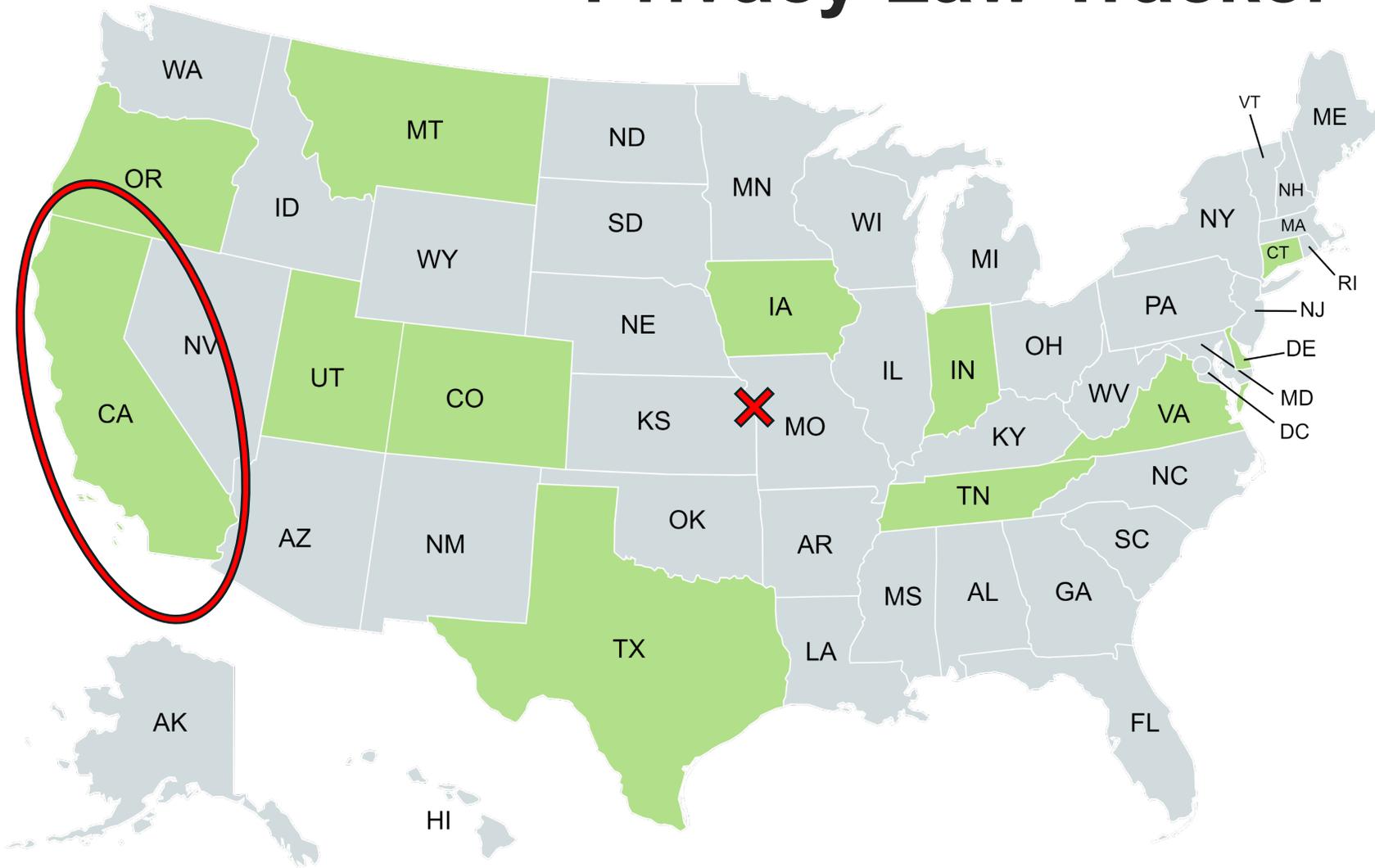
Privacy Law Tracker



Do All of These Privacy Laws Apply to a Typical Dealership?

- No, every state except California exempts entities covered by GLBA
 - California exempts only information covered by GLBA
 - Information collected for non-finance purposes is not exempt
 - Cash deals
 - Service
 - In practicality, very hard to differentiate between information covered and uncovered by GLBA

Privacy Law Tracker



Example of Far Reach

- Applies to businesses in California
- Applies to businesses outside of California in certain circumstances. For example, a dealership in Kansas City, must comply with the CCPA/CPRA if:
 - The dealership markets to California residents (think national marketing, like AutoTrader, Cars.com, CarGurus, Facebook Marketplace, Google Ads, etc.);
 - The dealership collects and shares information from California consumers that may want to purchase a vehicle for cash (or get service work completed); and
 - The dealership's total revenue (or the total revenue of the dealership group) exceeds \$25M

Step 1

Identify Cookies

- ✓ Scan websites periodically to detect tracking mechanisms and the providers

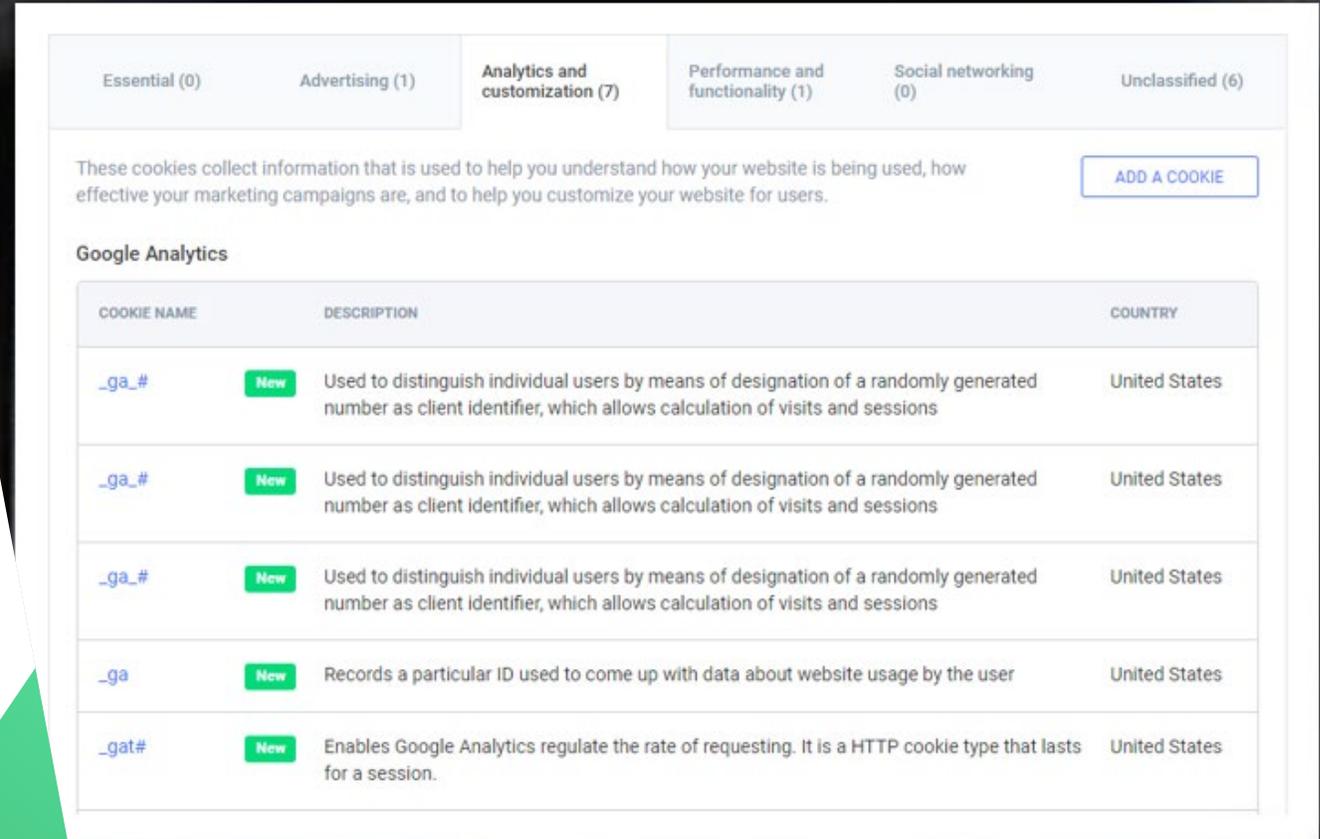
Scanning all pages... ?

Scanning all pages on your site to detect tracking mechanisms beyond your home page. This may take a while, we will let you know when it is done.

Step 2

Categorize Cookies

- ✓ Cookies must be categorized properly, such as:
 - ✓ Essential Cookies
 - ✓ Performance and Functionality Cookies
 - ✓ Analytics and Customization Cookies
 - ✓ Advertising Cookies
 - ✓ Social Networking Cookies
 - ✓ Unclassified Cookies



The screenshot shows a cookie management interface with several tabs at the top: Essential (0), Advertising (1), Analytics and customization (7), Performance and functionality (1), Social networking (0), and Unclassified (6). Below the tabs, there is a text box explaining that these cookies collect information to help understand website usage and customize the site. An "ADD A COOKIE" button is visible. The main content is a table titled "Google Analytics" with columns for "COOKIE NAME", "DESCRIPTION", and "COUNTRY".

COOKIE NAME	DESCRIPTION	COUNTRY
._ga_#	New Used to distinguish individual users by means of designation of a randomly generated number as client identifier, which allows calculation of visits and sessions	United States
._ga_#	New Used to distinguish individual users by means of designation of a randomly generated number as client identifier, which allows calculation of visits and sessions	United States
._ga_#	New Used to distinguish individual users by means of designation of a randomly generated number as client identifier, which allows calculation of visits and sessions	United States
._ga	New Records a particular ID used to come up with data about website usage by the user	United States
._gat#	New Enables Google Analytics regulate the rate of requesting. It is a HTTP cookie type that lasts for a session.	United States

Step 3

Auto-Block Collection

- ✓ Auto-block all cookies until after consent is provided
- ✓ Failure to do so is a “dark pattern”



Step 4

Privacy Policy/Cookie Policy

- ✓ Create a website privacy policy and cookie policy that identifies the cookies by category and the 3rd party providers collecting cookies.
- ✓ Modify the privacy policy/cookie policy as the website and providers change

PRIVACY POLICY

Last updated July 27, 2023

This privacy notice for ComplyNet, LLC (doing business as ComplyNet) ("ComplyNet," "we," "us," or "our"), describes how and why we might collect, store, use, and/or share ("process") your information when you use our services ("Services"), such as when you:

- Visit our website at <https://complynet.com>, or any website of ours that links to this privacy notice
- Engage with us in other related ways, including any sales, marketing, or events

Questions or concerns? Reading this privacy notice will help you understand your privacy rights and choices. If you do not agree with our policies and practices, please do not use our Services. If you still have any questions or concerns, please contact us at requests@complynet.com.

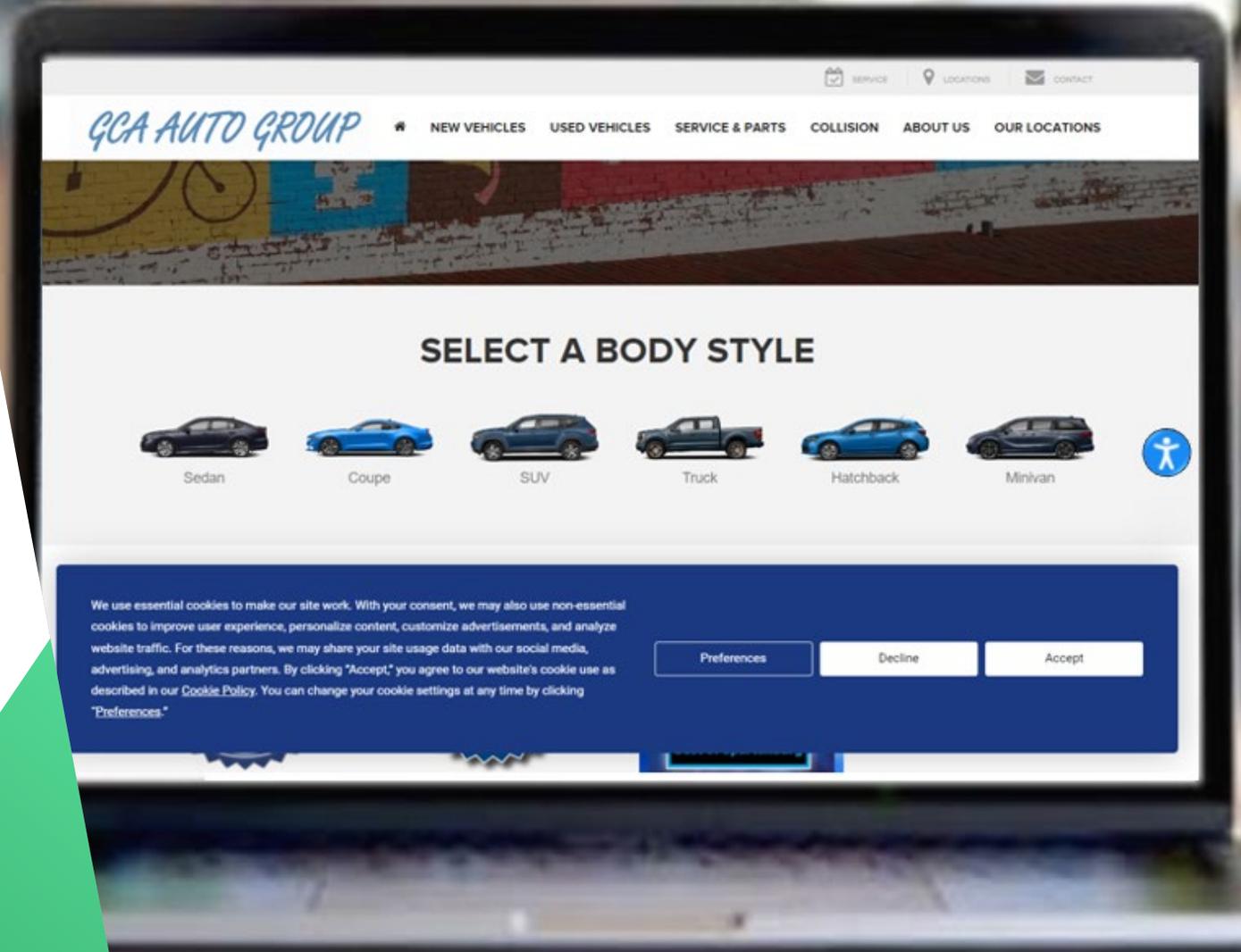
SUMMARY OF KEY POINTS

Step 5

Consent Banner

Create a custom banner that permits the acceptance and rejection of non-essential cookies.

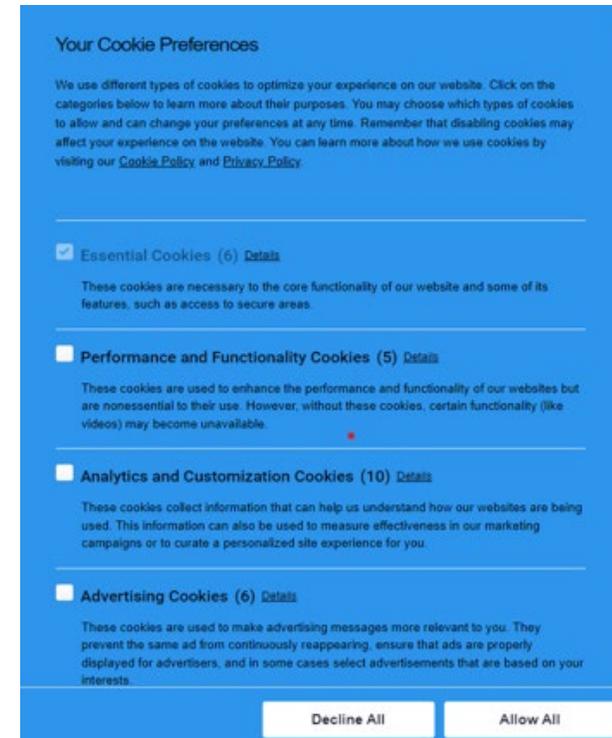
Failure to make rejection as easy as acceptance is a “dark pattern.”



Step 6

Preference Center

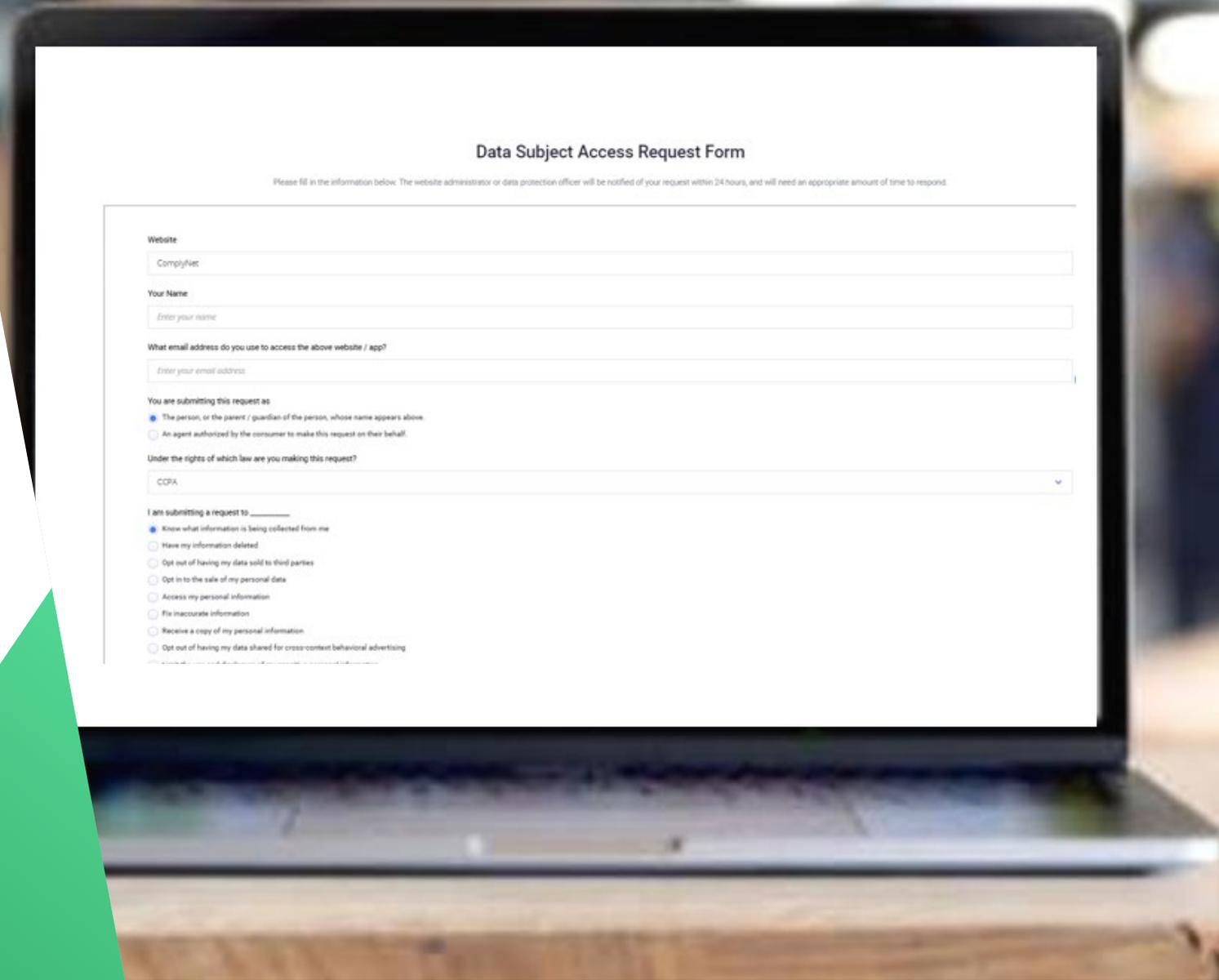
Allow consumers to change their consent options at any time with a Preference Center.



Step 7

Privacy Requests

- ✓ Enable consumers the ability to make privacy requests so that your designated individual may properly respond and manage requests
 - ✓ Now includes requests to correct information and notifying providers with shared informaiton
- ✓ “Do Not Sell or Share My Personal Information” link must be included on homepage and landing pages
 - ✓ Can use a state approved icon with “Your Privacy Choices” or “Your California Privacy Choices” instead (but not necessary)



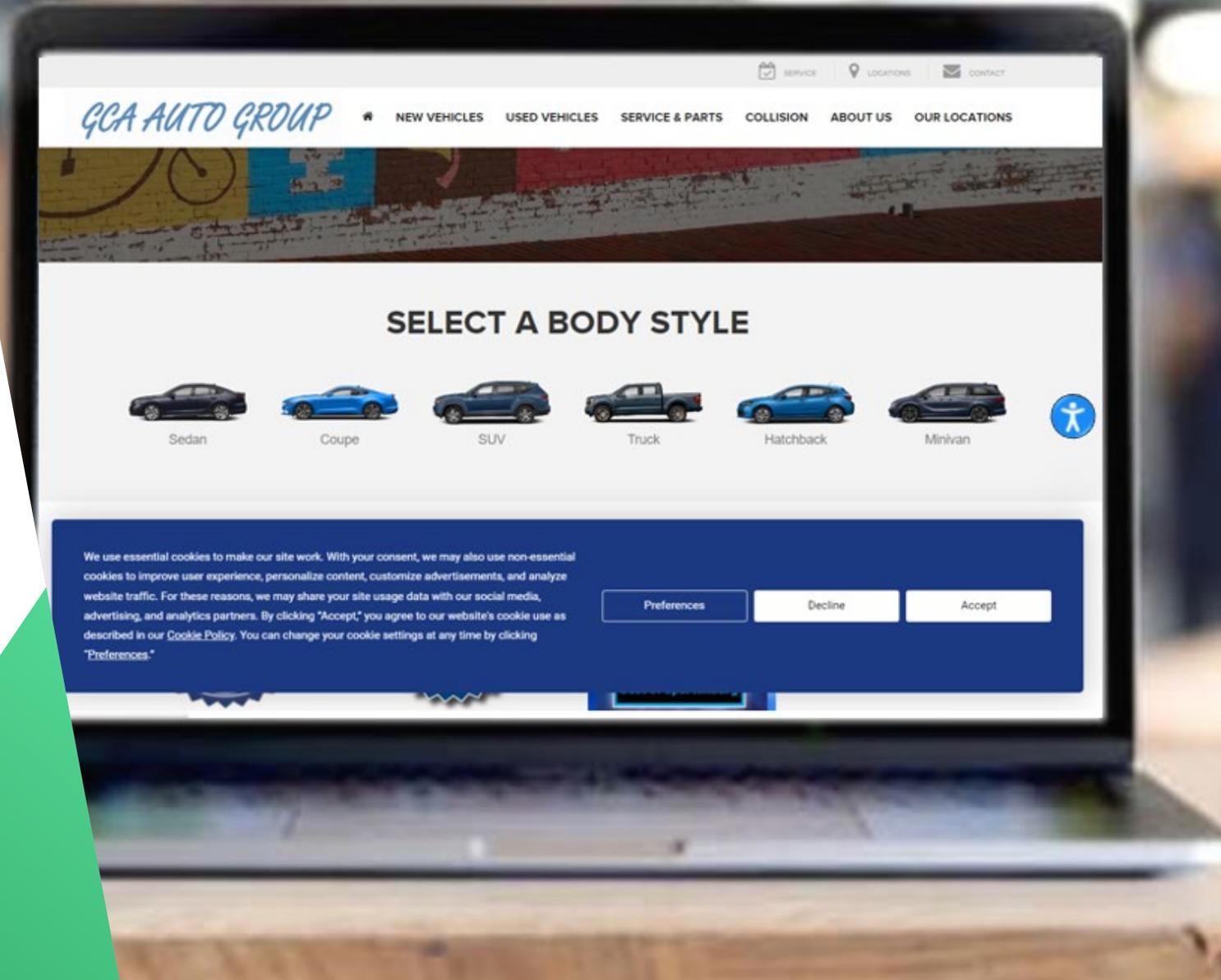
The image shows a laptop screen displaying a 'Data Subject Access Request Form'. The form is titled 'Data Subject Access Request Form' and includes a note: 'Please fill in the information below. The website administrator or data protection officer will be notified of your request within 24 hours, and will need an appropriate amount of time to respond.' The form contains several input fields and radio button options:

- Website:** A text input field with 'ComplyNet' entered.
- Your Name:** A text input field with 'Enter your name' as a placeholder.
- What email address do you use to access the above website / app?:** A text input field with 'Enter your email address' as a placeholder.
- You are submitting this request as:** Two radio button options:
 - The person, or the parent / guardian of the person, whose name appears above.
 - An agent authorized by the consumer to make this request on their behalf.
- Under the rights of which law are you making this request?:** A dropdown menu with 'CCPA' selected.
- I am submitting a request to _____:** A list of radio button options:
 - Know what information is being collected from me
 - Have my information deleted
 - Opt out of having my data sold to third parties
 - Opt in to the sale of my personal data
 - Access my personal information
 - Fix inaccurate information
 - Receive a copy of my personal information
 - Opt out of having my data shared for cross-context behavioral advertising

Step 8

Review Website

- ✓ Banner properly installed.
- ✓ No interference with accessibility tool.
- ✓ Easy access to:
 - ✓ Privacy Policy/Cookie Policy;
 - ✓ Preference Center; and
 - ✓ Privacy Requests.

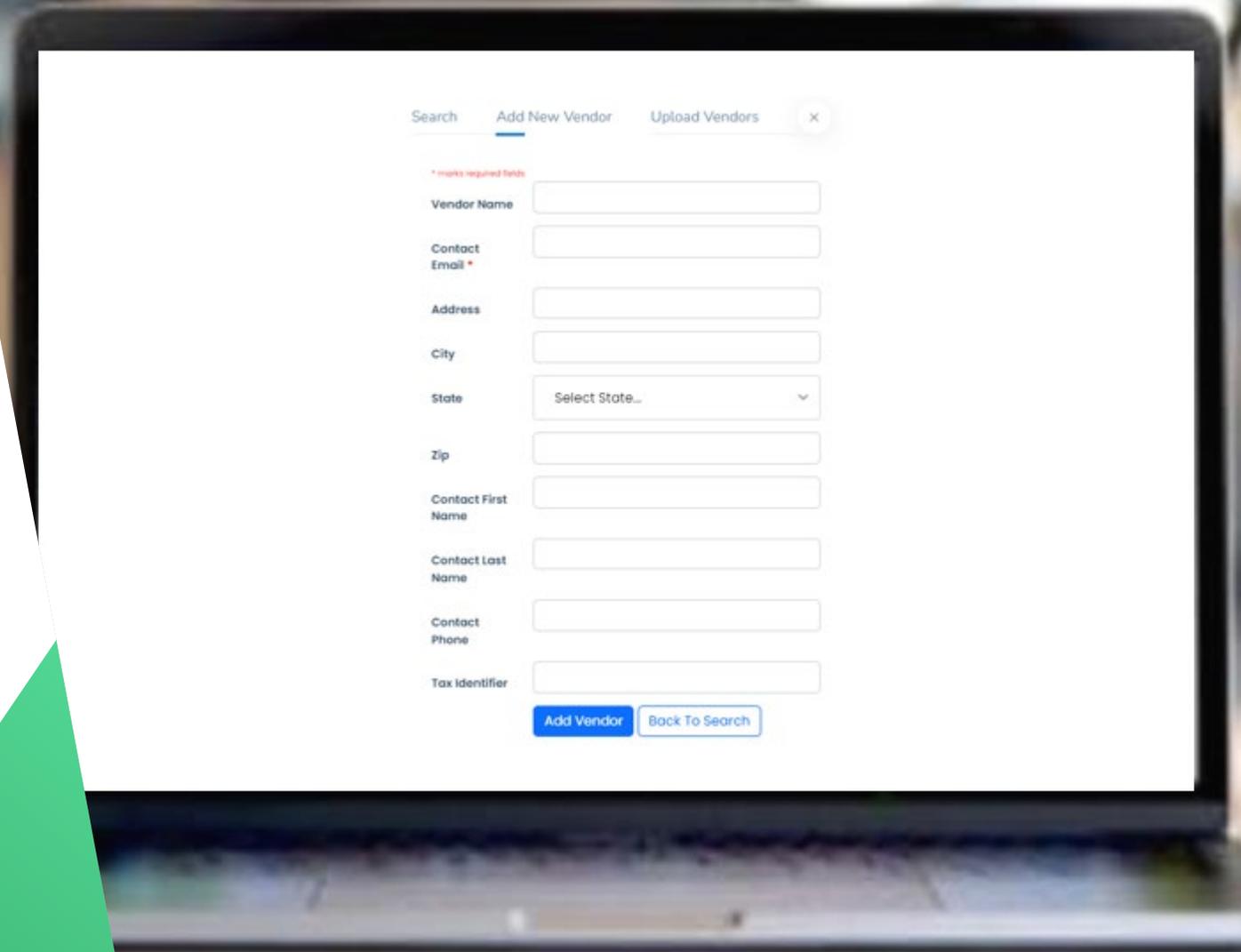


Step 9

Data Processing Agreements

DPA's must address:

- ✓ The specific purposes for which the personal data will be processed;
- ✓ The categories of personal data that will be processed;
- ✓ The duration of processing;
- ✓ The geographic scope of processing;
- ✓ The security measures that will be implemented to protect personal data;
- ✓ The rights of individuals with respect to their personal data; and
- ✓ The obligation of the parties to comply with applicable law.

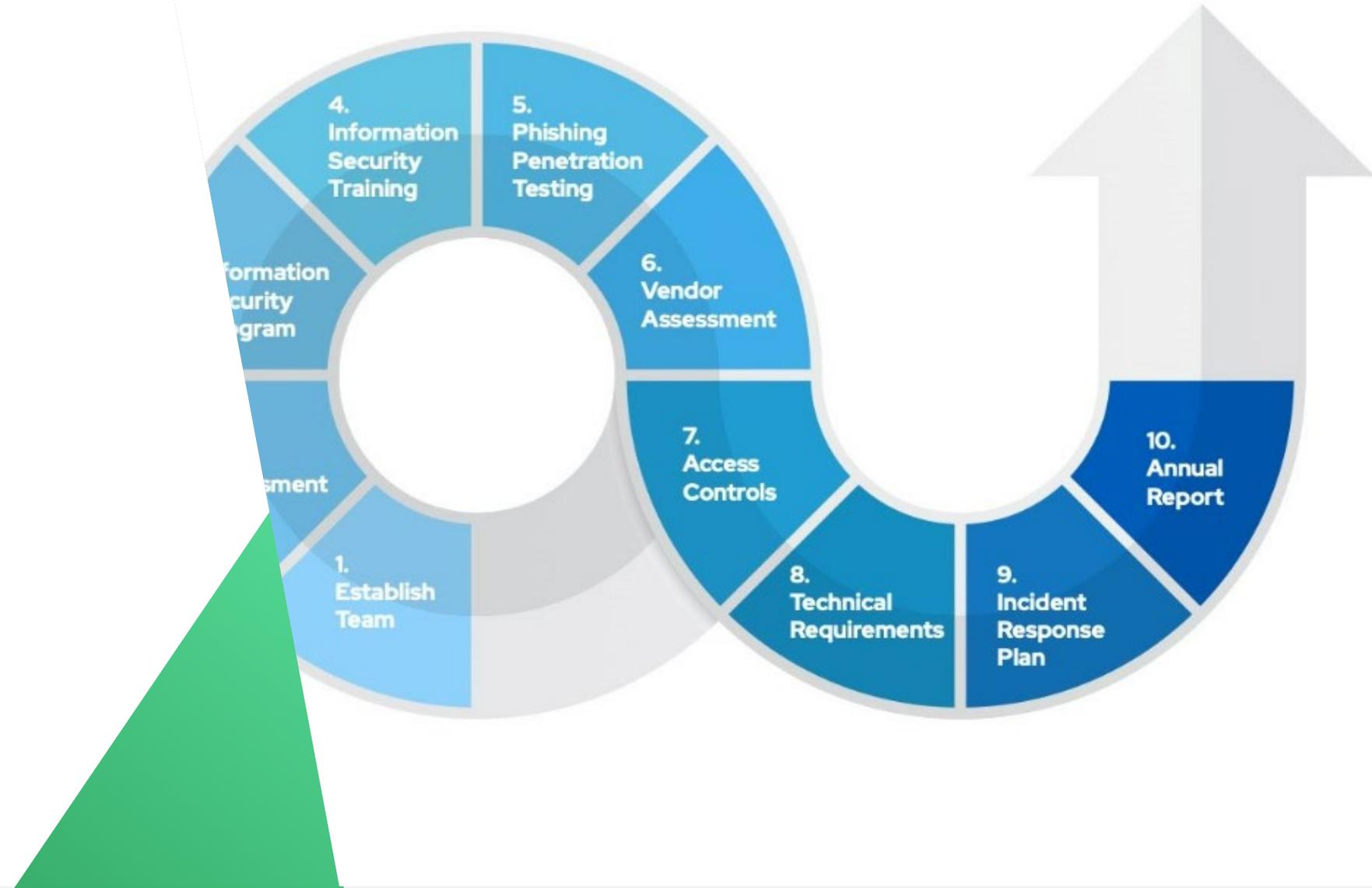


The screenshot shows a web application interface for managing vendors. At the top, there are three tabs: "Search", "Add New Vendor" (which is selected and underlined), and "Upload Vendors". A close button (X) is located to the right of the "Upload Vendors" tab. Below the tabs, a red asterisk indicates that fields marked with an asterisk are required. The form contains the following fields: "Vendor Name", "Contact Email" (with an asterisk), "Address", "City", "State" (a dropdown menu currently showing "Select State..."), "Zip", "Contact First Name", "Contact Last Name", "Contact Phone", and "Tax Identifier". At the bottom of the form, there are two buttons: a blue "Add Vendor" button and a white "Back To Search" button with a blue border.

Step 10

Protect the Data

Protect customer information/data collected by adhering to the FTC Safeguard Rule, which you are already required to follow.



Privacy & Safeguards Compliance Suite

KPA provides a more complete privacy and safeguard solution at a fraction of the cost



Compare

Annual Contracts to secure compliance continuity



Customized legal policies including the information security program (ISP)	☑
Customized incident response plan (IRP)	☑
Internal risk assessment tools	☑ Plus guidance
Employee security awareness training and completion tracking	☑
Vendor management library with hundreds of completed GLBA contracts and risk assessments	☑
Managed internal phishing simulations to train employees	☑
Complete 50-state privacy compliance required by your state	☑
Internal penetration testing	☑ Automated and unlimited
Vulnerability scans	☑ Automated and unlimited
Device and systems inventory automation and mapping tools	☑
Website cookie consent banners and unique consumer privacy request portals	☑
Dark Web Scanning	☑
Data Sensitivity Scanning to find unencrypted sensitive information such as PII, credit card data, SSNs and more	☑
Annual report to the board of directors generated every year	☑

Our Expertise & Solutions

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