

# Does the CCPA Treat Some Types of Personal Information As More “Sensitive” Than Others?

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Yes and no.

The CCPA references directly, or by incorporating definitions from other code provisions, 55 data types that may fall under the broad definition of “personal information.” While the CCPA does not label any data type as being more, or less, sensitive than another, the Act does confer special rights on a subset of data. Specifically, the Act only permits consumers to bring suit if one of the following fourteen data types (in conjunction with the consumer’s name) is breached as a result of a failure to implement reasonable security:[1]

1. Social Security Number
2. Driver's License Number
3. California Identification card number
4. Tax identification number
5. Passport number
6. Military identification number
7. Other unique identification number issued on a government document used to verify identity.
8. Account number
9. Credit card number (with required security code or password)
10. Debit card number (with required security code or password)
11. Medical information
12. Health insurance information

13. Unique biometric data

14. Username and password that would permit access to an online account.

It should be noted that the California Privacy Rights Act of 2020 (the “CPRA” or “Proposition 24”) – which will be on the California ballot in November – would create a new subcategory of data types that would be explicitly referenced as “sensitive.” While this new subcategory overlaps with the data fields about which a consumer law suit could be brought there is not a perfect symmetry:

Data Fields About Which a Lawsuit Could Be Brought Following a Breach	Data Fields Identified as “Sensitive Personal Information” Under the CPRA[2]
Social Security Number	Social Security Number
Driver’s License Number	Driver’s License Number
California Identification card number	California Identification card number
Tax identification number	
Passport number	Passport number
Military identification number	
Other unique identification number issued on a government document used to verify identity.	
Financial account number (which permits access to the account)	Financial account number (which permits access to the account)
Credit card number (with required security code or password)	Credit card number (with required security code or password)
Debit card number (with required security code or password)	Debit card number (with required security code or password)
Medical information	
Health insurance information	
Unique biometric data	
Username and password that would permit access to an online account.	
	Precise geolocation
	Racial origin
	Ethnic origin
	Religious beliefs
	Philosophical beliefs
	Trade union membership
	Contents of consumer’s mail
	Contents of consumer’s email
	Contents of consumer’s SMS texts
	Genetic data
	Biometric information
	Health information
	Sex life or sexual orientation

[1] CPRA Section 1798.150(a)(1) (incorporating by reference Cal. Civil Code 1798.81.5(d)(1)(A)(i)-(vi)).

[2] Proposed Section 1798.140(ae).

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