Ding Dong the CCPA Private Right of Action is (Mostly) Dead!

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Whether your favorite movie is The Wizard of Oz or The Princess Bride, we can all agree there is some good news about the California Consumer Privacy Act (CCPA) this Friday afternoon! SB 561 appears to have (mostly) died in the Senate Appropriations Committee during a hearing held yesterday. While the act as originally drafted only provided for Attorney General enforcement (except for one section addressing data security breaches), SB 561 added a private right of action as well as statutory damages for any violation of the act. This amendment clearly would have significantly increased the risks of any failure to comply with CCPA, no matter how small. But remember the words of Miracle Max – “There’s a big difference between mostly dead and all dead. Mostly dead is slightly alive.” So while it is possible that another amendment could be introduced at a later date, for now at least, the act will likely remain as drafted with enforcement coming only from the AG’s office, except in data breaches.

Putting it Into Practice: Companies should remain diligent in their compliance efforts—this is not a reason to ratchet down diligence and remediation. It is, however, a welcomed reduction in risk and compliance costs for all businesses subject to the law. <<<Collective sigh of relief.>>>

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