

GDPR VS CCPA

WHAT YOUR BUSINESS SHOULD KNOW ABOUT PROTECTING CUSTOMER INFORMATION

These regulations are in place to limit the information that companies can collect as well as limit how the information can be processed and sold.

To understand the full ramification on your business and situation, please seek professional legal advice. B2E is not providing legal advice.

What is it?

GDPR

General Data Protection Regulations (GDPR)

GDPR

May 25, 2018

Effective as of:

CCPA

California Consumer Privacy Act (CCPA)

CCPA

January 1, 2020

Geography:

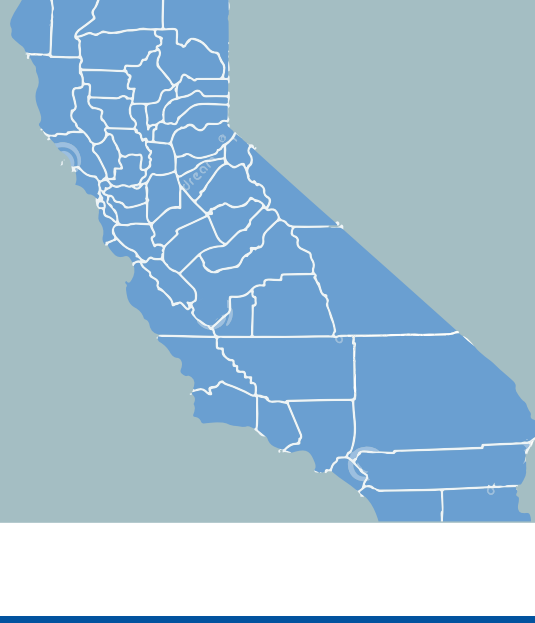
GDPR



Countries in the EU: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

CCPA

U.S. State of California



Who must comply?

GDPR

- Any organization established within the European Union (EU) that collects or processes personal data, even if the processing occurs outside of the EU
- Any organization outside of the EU that collects or processes data of EU citizens or residents



CCPA

Companies meeting the following criteria

- "For-profit" company
- Annual revenue over \$25 million
- Collect or process the data of 50,000+ California residents
- 50% or more of annual revenue comes from the sale of California consumer data

- All businesses related to a regulated business (controlling, controlled by, shared name or trademark, etc.) must also comply

Note: Parts of the CCPA also apply to Service Providers and Third Parties.

Who is protected?

GDPR

- All Individuals on which personal data is collected

CCPA

Customers of household goods and services, employees, or businesses which are either:

- Living or Headquartered in California
- Living or Headquartered in California but are temporarily outside the State

What data is protected?

GDPR

- All categories of personal data
- Any information relating to a data subject who could be identified by the personal information



CCPA

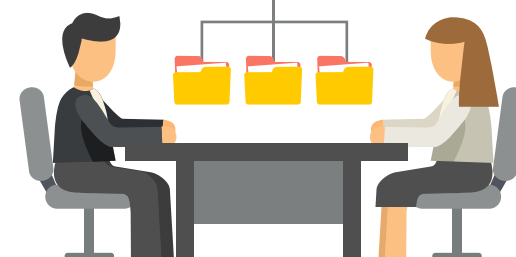
- All personal data that is not covered by federal privacy laws or publicly available through the government
- Any information relating to a particular consumer, household, or device that could be identified by the personal information



Children's Data

GDPR

- Prohibits selling personal information of a consumer under the age of consent (ranges from 13-16) without consent of parent



CCPA

- Prohibits selling personal information of a consumer under 16 without consent of the individual (age 13-16) or parent (under 13)



Rights of those Protected

GDPR

- Data breach notice within 72 Hours
- Right to access
- Right to be forgotten (data erasure)
- Right to data portability (receive the data collected)



CCPA

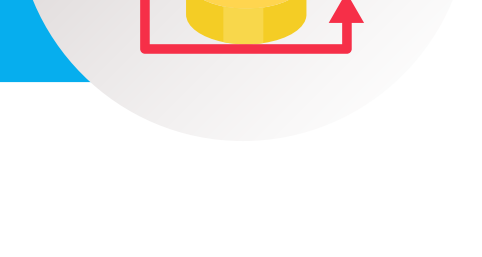
- Right to access
- Right to deny sale of information
- Right to delete data



Right to Access - What information must my business be prepared to provide protected customers?

GDPR

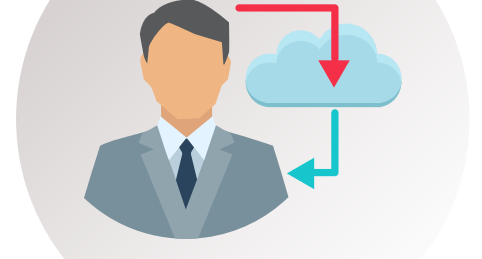
- What information is collected
- What information is shared or sold
- Who that information may be shared with or sold to



CCPA

- What information is collected
- What information is shared or sold
- Who that information may be shared with or sold to
- What purpose the collected information serves

Note: Requests for information are limited to twice per year for a 12-month look-back. There are no limits on data deletion requests and data sale denials.



How to Respond to Requests for Information

GDPR

- Verify subject identity
- Respond within one month, extendable for up to two additional months with notice to subject
- Inform the subject of the reasons for not taking action
- Cannot charge subjects for electronic delivery

CCPA

- Verify consumer identity
- Respond within 45 days
- Inform the consumer of the reasons for not taking action
- Cannot charge for information unless the request is unfounded or excessive

Duties of a Regulated Organization

GDPR

- Gain full consent of individual to process their data
- Comply with rights and requests for information
- Privacy at the Core of all Data Processes (Encryption, Storage, Access, etc.)
- Data Protection Officers



CCPA

- Comply with rights and requests for information
- Take reasonable steps to keep consumer information safe



Penalties

GDPR

- The higher amount of either 4% of company's annual revenue or €20 million



CCPA

- Penalty up to \$7,500 per violation
- Lawsuits can be brought against a company if there is a breach of privacy or if data is mishandled or infiltrated.



References:

<https://eugdpr.org>
<https://www.caprivacy.org/>
<https://oag.ca.gov/system/files/initiatives/pdfs/17-0039%20%28Consumer%20Privacy%20V2%29.pdf>
<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1528874672298&uri=CELEX%3A32016R0679>