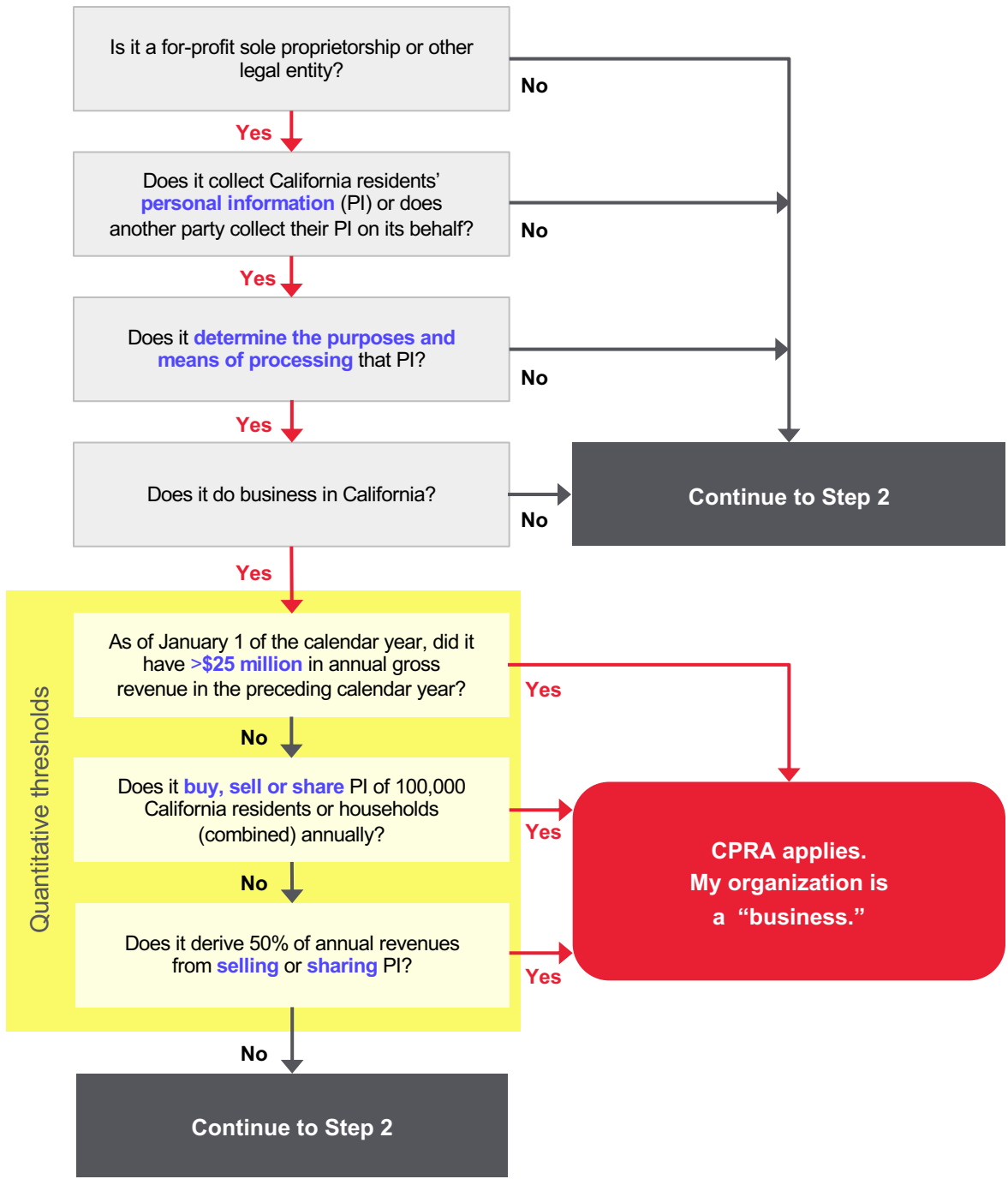


Does the California Privacy Rights Act (CPRA) Apply to My Organization?

Effective January 1, 2023

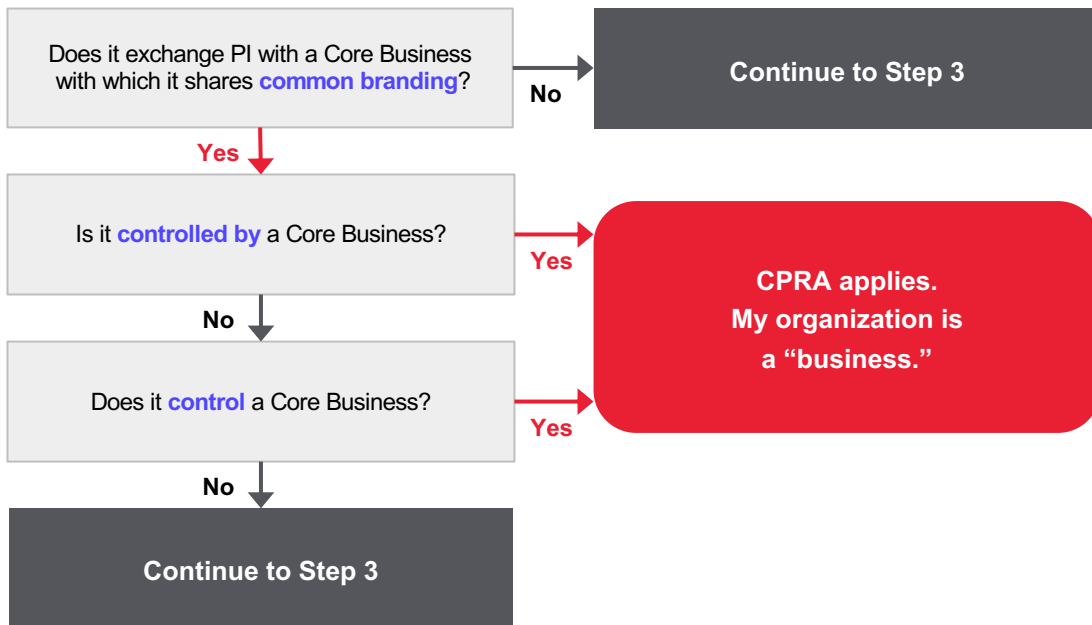
Step 1

Is my organization a regulated business under Section 1798.140(d)(1)?



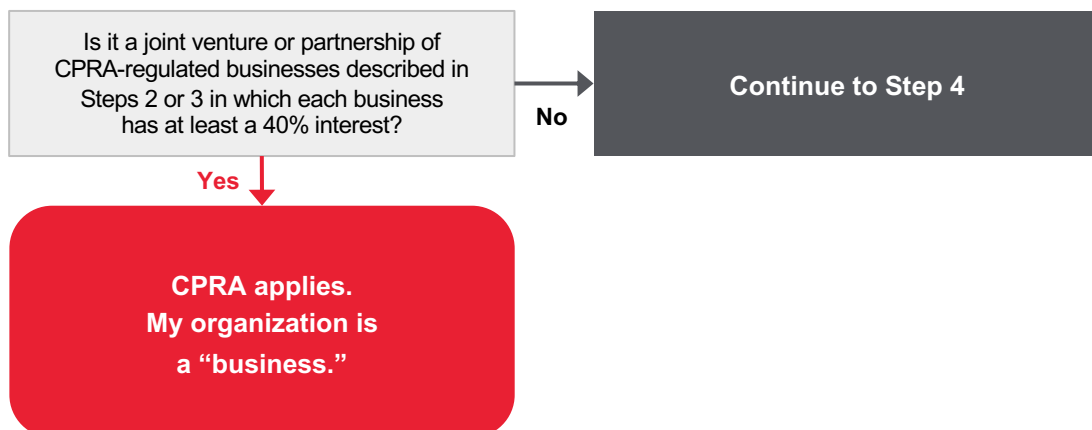
Step 2

Is my organization a regulated affiliate business under Section 1798.140(d)(2)?



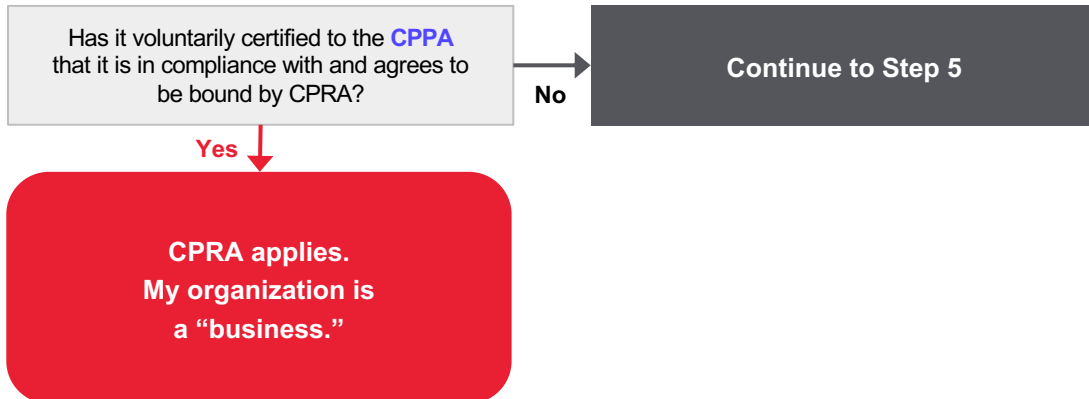
Step 3

Is my organization a regulated joint venture/partnership under Section 1798.140(d)(3)?



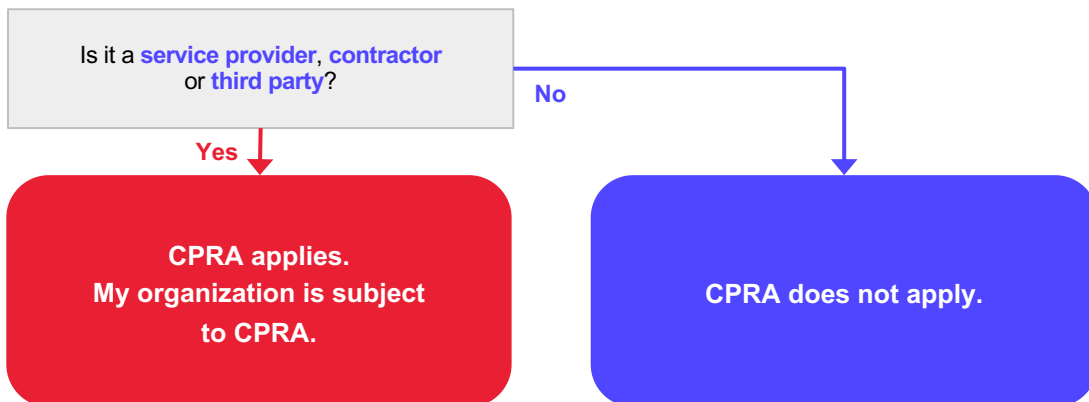
Step 4

Has my organization voluntarily committed to CPRA compliance under Section 1798.140(d)(4)?



Step 5

Is my organization a regulated service provider, contractor or third party?



Does CPRA apply to my organization?

Key concepts and definitions

CPRA is the California Privacy Rights Act of 2020, which amended the California Consumer Privacy Act of 2018 and takes effect on January 1, 2023. CPRA did not replace the CCPA, which remains in effect, but this flowchart refers to CPRA to distinguish the application analysis from that of the CCPA before the passage of CPRA.

Personal information (PI) includes any information that identifies, relates to, or is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly with, a California resident or household. PI encompasses a broad scope of information, including IP addresses, device IDs, cookie IDs and a long list of other identifiers. See 1798.140(o) for the full definition of “personal information.”

You determine the purposes and means of processing of PI if you decide what to do with it, but not if you are merely a service provider or contractor to a business that is contractually prohibited from using PI for any purpose other than to provide a service to that business.

The **>\$25 million revenue threshold** is adjusted for inflation in January of every odd-numbered year pursuant to regulations promulgated under CPRA.

You **sell** PI if you disclose it or make it available to another party for monetary or other valuable consideration (i.e., almost anything of value, even a promise to do something). This is a broad definition that catches many PI transfers not conventionally thought of as “sales.” See 1798.140(ad) for the full definition of “sale” and some limited exemptions.

You **share** PI when you share, rent, release, disclose, disseminate, make available, transfer or otherwise communicate – orally, in writing, electronically or by other means – PI to a third party for cross-context behavioral advertising, whether or not for monetary or other valuable consideration, including transactions between a business and a third party for cross-context behavioral advertising for the benefit of a business in which no money is exchanged.

Common branding refers to a shared name, servicemark or trademark that would lead the average consumer to believe that the entities sharing it are commonly owned.

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

CPPA means California Privacy Protection Agency, a new regulator created by CPRA.

Service provider means an individual or entity who processes personal information on behalf of a business pursuant to a written contract imposing certain data use restrictions.

Contractor means an individual or entity to whom the business makes available a consumer’s personal information for a business purpose, pursuant to a written contract imposing certain data use restrictions.

Third party means an individual or entity who is not a service provider, contractor or a person with whom consumers intentionally interact while sharing their PI.