

PRIVACY, DATA AND CYBERSECURITY

California Consumer Privacy Act



The California Consumer Privacy Act (CCPA) is one of the most significant pieces of privacy legislation in the U.S. Effective January 1, 2020, the law creates new privacy rights for consumers (broadly defined) and extensive obligations for covered businesses relating to the collection, processing, deletion, sale and security of personal information.

The new law will affect businesses in and outside of California. Business leaders need to be aware of the law, its amendments and regulatory guidance to avoid costly fines and litigation risk.

Our CCPA team works with clients on issues related to the privacy and security of consumer and employee personal information in two main areas: compliance and litigation.

Compliance

The CCPA builds on an already complex matrix of privacy and security laws in California, other states, at the federal level and globally. To help businesses navigate the CCPA within this complex environment, Jackson Lewis P.C.'s Privacy, Data and Cybersecurity practice group assembled a team of data privacy and security compliance attorneys, many of whom are Certified Information Privacy Professionals (CIPP) with the International Association of Privacy Professionals. These attorneys regularly work with businesses to develop and implement practical strategies, policies and procedures for meeting their regulatory, contractual and ethical obligations concerning data privacy and security.

- Performing initial CCPA assessments to evaluate applicability to the business, related entities and third parties;
- Working through data-mapping processes to improve their understanding of the personal information they collect, process and sell and their ability to respond to consumer requests concerning personal information;
- Operationalizing the law regarding prompt and timely responses to consumer inquiries about their personal information;
- Preparing notices, website privacy statements, policies and procedures, training materials, third party service provider contract clauses and other documents required for compliance;

- Conducting training for employees responsible for administering consumer rights under the CCPA; and
- Understanding and implementing best practices for ensuring they have “reasonable safeguards” for protecting personal information to avoid data breaches and responding to data incidents when they occur.

Litigation and Class Action Defense

Jackson Lewis has long been at the forefront of defending organizations in single plaintiff and putative class actions, including those involving privacy issues such as the Illinois Biometric Information Privacy Act (BIPA) and the Telephone Consumer Protection Act (TCPA). Our CCPA Litigation and Class Action Defense Team combines substantial litigation experience and significant subject matter knowledge with thoughtful, strategic and creative approaches in providing clients with sensible strategies to defend difficult claims or lawsuits, including class actions.

- Evaluating the merits of underlying claim(s);
- Assessing class issues and likelihood of class certification, as applicable;
- Estimating discovery issues and costs;
- Preparing damages models and potential exposure analyses;
- Considering the effects of the litigation on the company’s operations, media issues and financial and competitive impact;
- Developing defensive strategies; and
- Defending suits in both federal and state court.

Since the CCPA was enacted, a number of amendments have been proposed and passed. Additionally, guidance from the California Attorney General will substantially affect the CCPA’s application. Keep track of latest developments on our [Privacy, Data and Cybersecurity blog](#).

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