

And the Modified Proposed CCPA Regulations are Here!

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On February 10, the California Attorney General's office released a highly anticipated [updated draft](#) of the proposed CCPA regulations. This draft corrected a version first issued on February 7, 2020. These latest updates follow the four public hearings held in December 2019 and nearly 1,700 pages of comments submitted after the AG first released the initial proposal in October 2019. While these modified regulations are still not final, some of the notable changes include:

- Clarifying that businesses do not collect “personal information” when it collects IP addresses but does not link the IP address to any particular consumer or household, and could not reasonably link the IP address (999.302);
- Removing the 90-day claw back period on businesses to pass on an individual's opt-out of the sale of information (instead requiring the lookback only for sales between the submission of a request and the honoring of that request) (999.315(f));
- Deleting the prior requirement to treat unverifiable deletion requests as opt-out requests, but requiring the business to ask the consumer if they would like to opt out of the sale of their personal information (999.313(d)(1));
- Introducing the opt-out button that can be used in addition to (but not in place of) the notice of the right to opt-out (999.306(f));
- Explaining that the requirement to have a two-step process for online requests to delete is allowed but not required (999.312(d)); and
- Increasing the threshold for the number of consumers from 4 million to 10 million for the metrics and transparency reporting requirement (999.317(g))

The deadline to submit written comments is Tuesday, February 25, 2020 at 5pm PST. If no additional changes are made, a final rulemaking record will be submitted to the Office of Administrative Law. The OAL has 30 working days to review the record for approval.

Putting it Into Practice: As companies are beginning to see how [CCPA compliance](#) is playing out in practice, now is the time to conduct an initial evaluation of successes and challenges and use the opportunity to submit additional comments to the Attorney General. Organizations should continue to be mindful that additional changes may be forthcoming – with potentially not a lot of time to review before the July enforcement date.

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National Law Review, Volume X, Number 44

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