



Is This Personal Information?

Data Privacy Day is coming up later this month on January 28, 2024. Kilpatrick wants to help you celebrate at your company. Our “Is This Personal Information?” game is a fun way to engage various individuals across departments and create a little friendly competition! Feel free to celebrate the individual who gets the most answers correct with some recognition or a small prize!

The Game

For the purposes of this game, pretend you’re the Chief Privacy Officer at a company subject to the California Consumer Protection Act (“CCPA”). The CEO of the company approaches you with a list of data points (found on the next page). She has asked you to identify for her which of the data points falls within the CCPA’s definition of “personal information.”

The CCPA defines personal information as: “information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household.”

For each of the data points, select “yes” if you think it is personal information, and “no” if you think it is not personal information. Assume that the only data point you’re given is the one identified... you’re not given any other information about the individual (i.e. if the data point is “birthday” assume that the date of birth is the only data point you have. You do not have a name, gender, or anything else).

On the last page, you can find our answer key.

Good luck!

	YES	NO
First and last name		
Email address		
IP address		
An individual's credit card number		
An individual's telephone number		
High school where the individual went to school		
Street name where the individual lives		
An individual's retinal scan		
Information about an individual's favorite activities (i.e. hiking, playing basketball, running marathons, etc.)		
An individual's IQ score		
Anonymized or de-identified information		
Publicly available property records found on your county tax commissioner's website		
The formula for a popular diet supplement		
Olfactory information		

Answer Key on the Next Page

YES

NO

Yes. An individual's first and last name identifies a specific individual.

Yes. An individual's email address is capable of being used to identify a specific individual.

Yes. An individual's IP address is capable of being used to identify a specific individual or household.

Yes. An individual's credit card number is capable of being used to identify a specific individual. A credit card number is also considered to be sensitive personal information under the CCPA, meaning that consumers have the right to limit the use and disclosure of this information and businesses have heightened restrictions regarding its use.

Yes. An individual's phone number is capable of being used to identify a specific individual.

No. Without more information, the name of a high school is not enough to identify an individual. However, if the name of the high school is combined with additional data points that are capable of being used to identify an individual, it may be personal information.

No. Without more information, the name of a street is not enough to identify an individual. However, if the name of the street is combined with additional data points that are capable of being used to identify an individual, it may be personal information.

Yes. Biometric information is personal information.

No. Without more information, identification of hobbies and/or interests is not enough to be personal information.

No. Without more information, an IQ score is not enough to identify an individual.

No. Anonymized and de-identified information is specifically exempt from the definition of personal information **as long as** it cannot be re-engineered to identify specific individuals. That being said, it is important to be cautious when using anonymous/ de-identified information. Often, personal information is not properly anonymized and/or de-identified. Treating this information as such can lead to enforcement exposure. Therefore, it is important to ensure that the proper steps have been taken to anonymize or de-identify the information before using it.

No. Public information is specifically exempt from the definition of personal information.

No. While a chemical formula may be a very valuable trade secret, it is not about natural person and therefore is not personal information.

Yes. While the technology to identify a person by their scent may not be common, the CCPA explicitly provides that it is personal information.