KILPATRICK TOWNSEND

5 KEY TAKEAWAYS

Privacy Programs and the California Consumer Protection Act – Employee and B2B Data

Kilpatrick Townsend Partner Amanda Witt (Co-Chair of the firm's Cybersecurity, Privacy and Data Governance Practice and the firm's Technology, Privacy & Cybersecurity Team) and Associate Zain Haq recently participated in a panel discussion hosted by Kilpatrick Townsend and organized by the International Association of Privacy Professionals. The discussion provided practical insights on how to update your privacy program in light of the California Consumer Protection Act's ("CCPA") application to employee and B2B data as of January 1, 2023.

Five key takeaways from the panel discussion included:

1

Businesses should begin their compliance journey with data mapping. It is crucial to understand where "HR" data is coming from, who is providing data, what types of data points are being collected, where data is being stored, and where data is going.

2

Because employees and contractors now have the same rights as consumers under the CCPA, employers must create ways for employees and contractors to exercise their rights. Employers must also ensure they have a method for verifying and promptly responding to such CCPA requests.

3

Employers are also required to provide employees and job applicants with a privacy notice that explains:
the categories of information collected;
•purposes for collection;
•the retention schedule; and
•whether information is sold.

4

When determining how best to implement and streamline compliance processes, businesses should ensure they work cohesively across various departments. Collaborating with HR, IT, legal, and other departments is the best way to ensure compliance is comprehensive and uniform across the company.

5

Although there are generous exceptions to the deletion requirement under the CCPA, employers should carefully prepare for employee and contractor access requests (i.e., mapping what data they would return to the employee given a request). Employees may use CCPA access requests in an attempt to gain information in advance of litigation against the employer.

3

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