

HOW IS BUSINESS DEALING WITH THE GDPR AND CCPA?

CURRENT AND EMERGING AREAS OF PRIVACY FOCUS

- GDPR (EU General Data Protection Regulation)
- ePrivacy Directive and Regulation
- CCPA (California Consumer Privacy Act)

GDPR (EU)

- Effective May 25, 2018
- Provides EU “Data Subjects” with increased *transparency and control* over their data
- Increased data protection obligations for organizations *globally*
 - Protections / rights limited to EU residents
 - But law follows the data, so organizations processing EU residents’ data must comply
- Massive penalties for violators

ePRIVACY REGULATION (EU)

- Will replace current ePrivacy Directive in order to harmonize laws across the EU
- Regulates the *processing of electronic communications*
 - Broadens scope beyond telecommunications service providers
 - structured to regulate the Internet of Things (IoT)
- Drafting delays, unlikely effective before 2020
- GDPR-like fines for violations

CALIFORNIA UPDATES

CCPA – California Consumer Privacy Act

- Effective January 1, 2020
- Grants GDPR-like individual rights of transparency and control to “Consumers” (California residents)
- Right to *opt-out* of sale of data
- Increased liability for violators
 - Statutory damages
 - Private right of action in some circumstances