

Submitted via email February 25, 2020

To: PrivacyRegulations@doj.ca.gov

From: ACLU of Northern California

Campaign for a Commercial-Free Childhood

Common Sense Media

Consumer Federation of America

Privacy Rights Clearinghouse

Comments re Modified Regulation Section 308(c)(1)(e)(3)

The above listed privacy and civil-liberties organizations thank the Office of the Attorney General for its work on these regulations. In addition to broader coalition comments we have submitted separately, we have concerns about the Modified Regulations' requirements regarding privacy policy statements about the sale of minors' information (Section 308(c)(1)(e)(3)).

The change in Mod. Reg. Sec. 308(c)(1)(e)(3) does not advance minors' privacy--rather, to the extent it does anything, it offers an opportunity for companies to try and get out of their CCPA obligations. It is confusing for families what the statement means; it is unusual to have a statement in a privacy policy be made upon a different knowledge standard than other sentences in a privacy policy (which this may be construed as); and to the extent the statement does anything it could permit companies to claim they are in the clear just because they made this statement. A more helpful notice to minors and families that will enable them to learn if a company permits opt-ins to sales, and which also avoids concerns raised by businesses to the initial draft, is to replace Mod. Reg. Section 308(c)(1)(e)(3) as follows:

"State whether the business permits minors under 16 years of age, or parents of children under 13 years of age, to opt-in to the sale of personal information and describe any mechanism for opting in."