



What Your Business Needs to Know About the California Consumer Privacy Act

The California Consumer Privacy Act ([CCPA](#)) was signed into law on June 28, 2018. When it takes effect on January 1, 2020, the CCPA will be the first U.S. state law that comprehensively addresses consumer privacy. With General Data Protection Regulation ([GDPR](#))-like concepts, the CCPA seeks to protect all California residents' personal information. iCIMS, Inc. and its subsidiaries, TextRecruit, Inc. and Jibe, Inc. (collectively, "**iCIMS**") is committed to complying with the CCPA and supporting its global customer base.

Who is impacted by the CCPA?

The CCPA applies to any "business," which is defined as any for profit legal entity that:

- Collects personal information of California consumers;
- Alone or jointly with others determines the purposes and means of processing of that personal information;
- Does business in California; and
- Satisfies one or more of the following:
 - Has annual gross revenue over \$25 million;
 - Annually buys, sells, receives, or shares for a commercial purpose the personal information of 50,000 or more consumers, households, or devices; or
 - Derives at least 50% of its annual revenue from selling consumer's personal information.

What does the CCPA do?

To protect the personal information of consumers, the CCPA places requirements on businesses for collecting, sharing or selling that personal information. The CCPA gives privacy rights to California residents, too. These rights include the right to disclosure, the right to deletion, the right of data portability, and the right to object to the sale of their personal information.

This definition also includes the following list of examples:

- Names
- Aliases
- Postal addresses
- Email addresses
- Social security numbers
- Medical information
- Passport details
- Educational information
- Biometric data
- Commercial information
- IP addresses
- Phone numbers
- PINs
- Media information
- Geolocation

What does enforcement look like?

The CCPA will primarily be enforced by the California Attorney General; however, the law also provides a private right of action to California consumers under certain circumstances.

- *Civil penalties or Fines.* Violations may result in civil penalties by the California Attorney General of up to \$2,500 per violation or \$7,500 per intentional violation. Currently, there is no cumulative cap on the potential for these civil penalties.

- *Private Right of Action.* Businesses that suffer a data breach and have failed to maintain reasonable security may be subject to consumers' private right of action and be ordered to pay consumer statutory damages of \$100 to \$750 per consumer per incident or actual damages, whichever is greater. Businesses may also be subject to injunctive or declaratory relief, and any other relief a California court deems fit.

What Data Subject Rights Does the CCPA Have?

The CCPA affords the following rights to California consumers:

- *Right to Access.* Businesses must be prepared to honor a California consumer's request to access and transfer their personal information.
- *Right to Opt-Out.* Businesses must be prepared to honor a California consumer's request to opt out of the sale of their personal information.
- *Right to Delete.* Businesses must be prepared to honor a California consumer's request to delete their personal information, subject to a few exceptions.
- *Right to Nondiscrimination.* Businesses must not discriminate against a California consumer after they have exercised their CCPA privacy rights.

What are the CCPA's data security requirements?

The CCPA does not directly impose data security requirements. However, it does create a private right of action for data breaches arising from failure to maintain reasonable security as required by California's data security law. Specifically supporting that statement, California Civil Code 1798.81.5 requires a business that owns, licenses or maintains certain categories of personal information about a California resident to "implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure."

Has the CCPA changed at all since its passage?

Yes. On October 11, 2019, California Governor Gavin Newsom announced that he signed five of the California legislatures amendments to the CCPA. Those five amendments were [AB-25](#), [AB-874](#), [AB-1146](#), [AB-1355](#) and [AB-1564](#).

When will the CCPA regulations be published?

On October 10, 2019, the California Attorney General (“AG”) announced Proposed Regulations implementing the CCPA. Along with a [Notice of Proposed Rulemaking Action](#) and the [Text of Proposed Regulations](#), the AG issued an initial statement of reasons clarifying the purposes of the proposed regulations. The AG also stated that July 1, 2020, is the expected date of final regulations and enforcement, which is after the CCPA’s effective date of January 1, 2020.

How Can My Organization Begin Getting Ready?

iCIMS understands that businesses today work with a variety of service providers. To ensure CCPA compliance, organizations should make sure their service providers have the know-how, experience and commitment to support the kinds of comprehensive measures that the CCPA requires.

Data security and compliance are a top priority for iCIMS as a best-of-breed recruitment technology provider. As iCIMS’ existing data privacy and protection infrastructure demonstrates, iCIMS has the history, skills and commitment to continue to work diligently to create a secure, seamless user experience for iCIMS’ customers around the world.

iCIMS is committed to maintaining CCPA compliance and enabling its customers to use the iCIMS Talent Acquisition Platform to assist in their own CCPA compliance. As such, please continue to check our [privacy updates](#) page for additional CCPA resources.

Visit the [California Legislature](#) page for more information on the CCPA.



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