Debevoise & Plimpton

California, Here We Come

CCPA January 1, 2020		GDPR May 25, 2018
Based on revenue or on volume of PI Non-profits out of scope	Cover most major for-profits	EU "establishment" or if EU is targeted Non-profits in scope
Californians Excludes public info Includes "households," "inferences"	Direct and Indirect Identifiers	EU data subjects Includes public info
	Extraterritorial reach	
"Do Not Sell" right and button	Data Subject Access Requests: - Right to be informed - Right to access - Right to deletion - Right to obtain a portable copy	Right to correct, to be free from automated decision-making, to restrict processing
In scope (pending amendment to exclude)	HR Data	In scope
45 days, must be free	Timely response to DSARs	1 month, need not be free
	Third-party vendor agreements required	
Only for breaches (so far)	Private right of action	Yes
Can sue if breach and no "reasonable" security	Data security	Requires "appropriate" data security
	Civil fines	

May 2, 2019