



November 21, 2022

Mr. Brian Soublet
California Privacy Protection Agency
2101 Arena Blvd
Sacramento, CA 95834

RE: Notice of Modifications to Text of Proposed Regulations ([OAL FILE NO. 2022-0628-02](#))

Dear Mr. Soublet:

The Alliance for Automotive Innovation (“Auto Innovators”) welcomes the opportunity to provide feedback to the California Privacy Protection Agency (“Agency”) on its notice of modifications to the proposed regulations to implement the California Consumer Privacy Act (“CCPA”).

Auto Innovators is the singular, authoritative, and respected voice of the automotive industry. Focused on creating a safe and transformative path for personal mobility, Auto Innovators represents the manufacturers that produce nearly 98 percent of cars and light trucks sold in the United States. In addition to motor vehicle manufacturers, members of Auto Innovators include original equipment suppliers, technology companies, and others within the automotive ecosystem. The auto industry is the nation’s largest manufacturing sector, contributing \$1.1 trillion to the United States economy. As a significant engine for our nation’s economy, the auto sector is responsible for 10.3 million jobs and \$650 billion in paychecks annually.

Our comments below largely reiterate our prior comments to the Agency. These include our written comments in response to the Notice of Proposed Rulemaking, our written comments in response to the Agency’s invitation for preliminary comments on proposed rulemaking, and our oral comments at the pre-rulemaking stakeholder session in May.

While the modifications address some of our concerns, many of the issues that we previously identified that may have inadvertent or unintended impact on the auto industry and its ability to deliver a cleaner, safer, and smarter transportation future remain. We respectfully request an opportunity to meet directly with the Agency to discuss these remaining issues, answer any questions that the Agency may have about their impact on the auto industry, and hopefully work together collaboratively to address them.

Effective Date

We reiterate our request that sufficient lead time be provided between the finalization of this significant rulemaking and the effective date of any new obligations or requirements. As we have previously stated, our member companies take their compliance obligations seriously and need adequate time to align their processes and mechanisms with any new regulatory requirements.

Moreover, we request that any new obligations in the regulations be prospective and apply only to data collected after the regulation's effective date. We previously urged the Agency to reconsider the provision within Section 7014 of the proposed regulations that requires a business to obtain the consent of the consumer before using or disclosing sensitive personal information the business collected "during the time the business did not have a notice of right to limit posted." This appears to create an obligation with respect to data collected before the regulations and the requirement to post a "notice of right to limit" takes effect.

Right to Correct

We urge the Agency to strike the requirement in Section 7023 of the proposed regulations that a business, upon request, disclose all of the specific pieces of personal information that the business maintains and has collected about the consumer to allow the consumer to confirm that the business has corrected the inaccurate information that was the subject of the consumer's request to correct. If the goal is to allow the consumer to confirm that the business has corrected the inaccurate information that was the subject of the consumer's request to correct, it should be sufficient for the business to disclose to the consumer only the specific pieces of personal information that were subject to the consumer's request. At the very least, the Agency should reconsider the provision that specifies that disclosure under this provision is not considered a response to a request to know which is limited to two requests within a 12-month period. If the business is required to disclose all of the specific pieces of personal information that the business maintains and has collected about the consumer, the disclosure should be considered a request to know and be covered by the limitation on two requests within a 12-month period.

Consumer Verification for Request to Opt-Out and Request to Limit

We encourage the Agency to create an exception to the provision in Section 7060 that restricts a business from requiring a consumer to verify the consumer's identity to make a request to opt-out of sale/sharing or to make a request to limit to situations where the sharing or personal information or the use of sensitive personal information is necessary to support a product or service previously requested by the consumer. For example, if the consumer has previously opted into a service through which vehicle data is shared with an insurance company or a service in which geolocation information may be collected following a collision to dispatch emergency responders to the scene of the incident and opting out of sharing or limiting the use of sensitive information would essentially void the ability of the consumer to continue to receive those requested services, it would be entirely appropriate for the business to verify that the consumer is in fact who they claim to be. This would help avoid a situation where someone other than the person who opted into those services could void those services, having a significant negative impact on the person, without that person's knowledge or consent.

Contract Requirements for Third Parties

We reiterate our request that the Agency provide sufficient time (i.e., no less than 6 months) for businesses to develop or renegotiate contracts with third parties with which a business shares or sells a consumer's personal information consistent with such requirements in Section 7053.

Agency Audits

We once again encourage the Agency to remove the ability of the Agency to audit a business "if the subject's collection or processing of personal information presents significant risk to consumer privacy or security" under Section 7304. The Agency should not have the ability to audit a company for this reason alone without any other indication that there has been a possible violation of the CCPA or in the absence of a history of noncompliance with the CCPA or any other privacy protection law.

We also recommend that a reasonable statute of limitations (e.g., three years) be established with respect to the Agency's ability to audit a business. In other words, the Agency's ability to audit compliance should not be limitless and should instead be confined to a specified number of years prior to the initiation of the audit. This approach would be consistent with the model used by other agencies, such as banking and finance agencies, that conduct audits of business.

Consumer privacy remains a priority for the auto industry. We appreciate the opportunity to provide this feedback on the proposed regulations and look forward to an opportunity to discuss these concerns directly with the Agency.

Sincerely,



Hilary M. Cain
Vice President
Technology, Innovation and Mobility Policy