



STATEMENT OF OPPOSITION TO PROPOSITION 24 THE CALIFORNIA PRIVACY RIGHTS ACT OF 2020 BALLOT INITIATIVE

The undersigned trade associations, companies, and organizations collectively represent a broad cross-section of the California business community as well as the global marketplace spanning various industries including advertising and marketing, magazine publishing, Internet and online services, financial services, package delivery, cable and telecommunications, transportation, retail, utilities, real estate, insurance, entertainment, auto, technology, and others. Together, we include thousands of companies, employ millions of individuals, and deliver goods and services that benefit and provide substantial value to the economy and consumers in California and across the world.

We strongly believe consumer privacy is an essential value that deserves meaningful protections in the marketplace. However, we join the growing number of stakeholders in opposition to Proposition 24, the California Privacy Rights Act of 2020 ballot initiative (“CPRA”).¹ We oppose Proposition 24 because the initiative would not only fail to provide meaningful new protections for Californians but would also impose considerable new costs on a business community that is still working to implement the California Consumer Privacy Act of 2018 (“CCPA”) as well as weather substantial economic hardships due to the COVID-19 pandemic.

Proposition 24 is a premature and ill-timed overhaul of California’s privacy law. If approved by California voters this fall, the CPRA would supplant the recently effective CCPA, a broadly applicable data privacy law that has set forth brand new consumer privacy rights and business obligations with respect to personal information collected about California consumers. The CCPA went into effect in January of this year and became enforceable by the California Attorney General approximately two months ago on July 1, 2020. California’s citizens, policymakers, and businesses have had only a limited—and insufficient—time to evaluate the effects of the new data requirements posed by the CCPA, and to understand how this new law will impact citizens and the California economy. In addition, the version of the CPRA that will be presented to California voters this Fall was proposed *before* the Office of the Attorney General issued multiple updates to the draft regulations that implement the CCPA. The CPRA is consequently an outdated response to an incomplete CCPA regulatory regime, as it seeks to alter legal rules that were not finalized before the initiative took up the task of proposing substantive amendments to the CCPA.

¹ See “No on Prop 24”, *California Consumer and Privacy Advocates Against Prop 24*, available at <https://noon24ca.org/> (August 24, 2020).

California policymakers should instead assess the impact of the recently enacted CCPA, then seek to make any necessary changes through a deliberative process. The CPRA ballot initiative threatens to upend the legal approach to data privacy in California after years of work to refine the CCPA through amendments and various releases of modified regulations based on detailed input by consumers, the business community, and other stakeholders. The ballot initiative circumvents important deliberative processes that have taken place and are necessary to develop nuanced, carefully considered bills, such as the processes bills endure when they proceed through the legislature. Indeed, a deliberative process for crafting legislation is exceedingly important, particularly for proposed laws such as the CPRA that are technically and legally complex and would greatly impact the vast majority Californians and companies that do business in the state.

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For the foregoing reasons, we oppose the CPRA ballot initiative. The measure would not provide meaningful new protections for Californians and would overhaul the existing data privacy regulatory framework set forth by the CCPA before consumers and businesses have a chance to fully understand the benefits and costs of the statute.

Sincerely,

Association of National Advertisers
American Association of Advertising Agencies
American Advertising Federation
Interactive Advertising Bureau
California Grocers Association
Digital Advertising Alliance
Email Sender & Provider Coalition
National Business Coalition on E-Commerce and Privacy
Network Advertising Initiative
Insights Association
NetChoice