

Date of Hearing: April 28, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 1490 (Chau) – As Introduced February 19, 2021

Policy Committee: Privacy and Consumer Protection                      Vote: 9 - 0

Urgency: No                      State Mandated Local Program: No                      Reimbursable: No

**SUMMARY:**

This bill requires members of the Privacy Protection Agency board (Board) to have qualification, experience, and skills in consumer rights, as well as privacy and technology.

**FISCAL EFFECT:**

No additional costs to the California Privacy Protection Agency.

**COMMENTS:**

1) **Purpose and Background.** This bill requires Members of the Board have experience in consumer protections, in addition to experience in privacy and technology. In 2018, the Legislature enacted the California Consumer Protection Act (CCPA), which gives consumers certain rights regarding their personal information (PI). Last year, California voters passed Proposition 24, which, in addition to establishing certain new rights, renames the CCPA as the California Privacy Rights Act (CPRA). Proposition 24 created the California Privacy Protection Agency (CPPA), vested with full administrative power, authority and jurisdiction to implement and enforce the CCPA and presumably, the CPRA. The CPPA is governed by a five-member board, with the chairperson and one member of the board appointed by the Governor, and one member each appointed by the Attorney General, Senate, and Assembly, respectively. Each board member serves at the pleasure of their appointing authority but shall not serve longer than eight consecutive years. Proposition 24 authorizes the appointing authorities to name Board members with expertise in the areas of privacy, technology and consumer rights. This bill simply mandates that all three of those qualities are required in each Board member. Appointments to the Board were first made in March of 2021, and each Board member appears to have experience in consumer rights.

2) **Argument in Support.** According to the Consumer Attorneys of California:

AB 1490 clarifies an inconsistency in the requirements of the board. Proposition 24 says appointees should have expertise in privacy, technology, and consumer rights. However, then the Proposition goes on to require the members to have expertise in the areas of only privacy and technology. AB 1490 makes clear that

expertise in consumer rights is also vital experience for board members to possess.

3) **Argument in Opposition.** According to the California Chamber of Commerce:

By requiring that members of the board additionally have qualification, experience, and skills in ‘consumer rights,’ which is undefined in AB 1490’s new mandate, not all of the newly-appointed members would qualify for the CPPA board positions they occupy. Indeed, if the term ‘consumer rights’ is interpreted to mean experience working specifically on behalf of consumers for specific organizations, groups, or political causes, many otherwise qualified candidates would be excluded from consideration.

**Analysis Prepared by:** Kimberly Horiuchi / APPR. / (916) 319-2081