

Data Privacy Consulting Services

The California Consumer Privacy Act of 2018

The California Consumer Privacy Act of 2018 (“CaCPA”) is broad and establishes strict, GDPR-like requirements for organizations that process California residents’ personal data. While the law leaves room for some modification between now and January 2020, companies are taking steps to understand their obligations and begin moving towards compliance.

CaCPA QUICK FACTS

- Effective January 1st, 2020
- Establishes new privacy rights for California residents centered around notice, access and consent
- Establishes new compliance obligations for companies that “do business” in California
- Establishes new fines and permits lawsuits by impacted California residents
- \$7,500 administrative penalty per intentional violation
- Possible class action lawsuits for breach events where company could pay between \$100 and \$750 per impacted California resident per breach
- Permits companies to establish “financial incentive programs” intended to reward those consumers that allow the sale of their personal data

A STATE LAW WITH GLOBAL REACH

California’s economy is now the fifth largest in the world, with \$2.75 trillion in annual gross domestic product. As a result, companies with any level of exposure to US markets likely have a personal data footprint in California.



The California Consumer Privacy Act of 2018 applies to any company that “does business” in California and satisfies any of the following conditions:

- Generates an annual gross revenue of at least \$25 million;
- Derives 50% or more of its annual revenue from selling consumer personal data; or
- Buys, sells, or shares the personal data of at least 50,000 consumers, households, or devices.

GDPR-LIKE REQUIREMENTS

The EU’s General Data Protection Regulation (“GDPR”) has fundamentally changed the way many businesses manage personal data. The new CaCPA is like GDPR in several ways.

The CaCPA includes:

- Enhanced privacy notice requirements;
- The consumer’s “right to opt out” of any sale of their data;
- The individual’s right to access and delete their personal data stored in a company’s systems;
- The right to equal service and prices (no retribution or price premiums for “privacy-equipped” services);
- Enhanced “third party data broker” notification requirements;
- Enhanced parental consent requirements;
- New fines and private rights of action; and
- An initial framework for “financial incentive programs” rewarding consumers that permit the sale of their data.

For those US-based companies with no footprint in Europe, implementing the CaCPA’s requirements may require additional time and support.

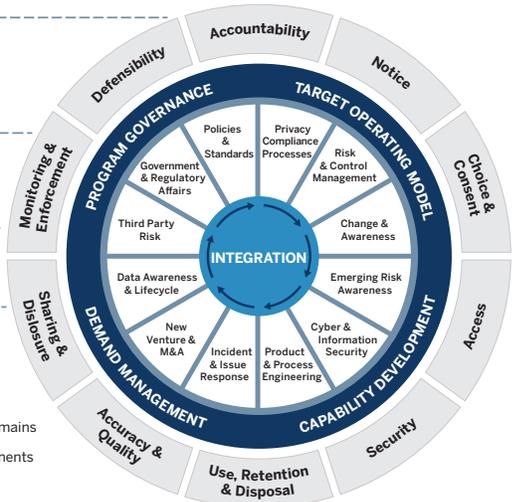
FTI CaCPA SERVICES OFFERED

- CaCPA “regulator readiness” assessments
- CaCPA program and process implementation
- Privacy risk strategy development and executive advisory support
- Consent and opt-out preference management strategies
- Holistic privacy program maturity benchmarking
- Privacy enabling technology development
- California consumer data identification and mapping
- CaCPA training and awareness
- Long-term privacy support and managed service
- CaCPA incentive program implementation
- Deterministic and probabilistic ID mapping

- Modular domains that can scale commensurate to risk appetite, strategic priorities, and domain maturity.
- Comprehensive yet targeted definition of privacy’s reach within the organization.
- Future-proof, regulation-agnostic, and risk-based.
- Maps to common organizational risk ownership putting integration activities at its center.

- Privacy Capability Domains
- Management Components
- Privacy Principles

FTI’s Data Privacy Framework



FTI’S DATA PRIVACY FRAMEWORK

FTI Consulting’s Data Privacy Framework is a holistic, outcome-based model intended to cover all aspects of a company’s data privacy risk management capabilities. FTI is ready to support clients in all aspects of their data privacy risk management needs.

FTI’S CaCPA SERVICES

FTI Consulting provides a wide range of CaCPA services that help reduce our client’s regulatory, operational, or reputational risk. From short, project-based engagements to ongoing managed services, FTI Consulting’s CaCPA services are tailored to each organization’s need to ensure regulatory readiness.

Our services are provided by a team of data privacy subject matter experts with deep subject matter knowledge of municipal, state, national, and global data privacy risk & compliance.

For more information on our range of services, please contact:



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About FTI Consulting

FTI Consulting is an independent global business advisory firm dedicated to helping organizations manage change, mitigate risk and resolve disputes: financial, legal, operational, political & regulatory, reputational and transactional. FTI Consulting professionals, located in all major business centers throughout the world, work closely with clients to anticipate, illuminate and overcome complex business challenges and opportunities.