



COLLISION INDUSTRY
CONFERENCE

Data Access, Privacy, and Security

PRESENTED BY:

DAN RISLEY

FRANK TERLEP

Data Privacy & Security Committee

Mission: To identify, present on and discuss topics surrounding data access, exchange and protection; and the ways in which these topics impact businesses operating within the collision repair industry.

Committee Members:

- Frank Terlep: **Auto Techcelerators, LLC.**
- Dan Risley: **CCCIS**
- Trent Tinsley: **Entegral**
- Aaron Schulenburg: **SCRS**
- Rick Palmer: **Computerlogic**
- Patrick McGuire: **Law Offices of Patrick J. McGuire, P.C.**
- Jason Relyea: **Transtar**
- Chris McKeehan: **Comsearch**
- David Willett: **Intrepid Direct**
- Kelly Cooper: **1Collision**

Our Agenda

- **Company Positions:** Data Access, Security and “The Golden Rules”
- CCPA Review and Exemptions
- Other 2020 Privacy Laws
- Our Committee’s 2020 Goals and Objective

Company Positions: *Data Access, Security and "Golden Rules"*



- **April Meeting:** *Mitchell International*
- *Waiting to hear back from Solera*

CCPA Review and Summary

- The law applies to businesses that collect information from California residents and meet at least one of the following thresholds:
 - (1) have over \$25 million in annual gross revenue;
 - (2) buy, receive, sell, or share for commercial purposes the personal information of 50,000 or more consumers, households, or devices; or
 - (3) derive 50 percent or more of their revenue from the sale of consumers' personal information.
- The law creates the broadest definition of “personal information” in the U.S.
 - The CCPA defines personal information as the “information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a consumer or household.”
- Enforcement to begin in July of 2020

CCPA: Key Requirements

- Business must disclose what personal information it collects and the what it is used for
- Consumer can request deletion of personal information that requires the business to delete information
- Consumer can request business disclose the categories of information that it collects and and the identity of third parties to which the information was sold or disclosed.
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- Businesses must deliver data consumer requests free of charge
- Business must provide consumers the opportunity to control their information via a “Do Not Sell My Personal Information” link in their privacy policies and websites
- Expands the definition of personal information to include such things as IP addresses, device IDs, cookie IDs, and psychographic profiles based on customers’ preferences, characteristics, behavior, interests and many other variables.

CCPA Areas of Accountability

Individual Rights: Access	Individual Rights: Data Portability	Individual Rights: Deletion	Disclosures
Opt-Out (Sale of Personal Information)	Opt-In (Minors)	Non-Discrimination	Incentive Programs
Updating Data Inventories	Updating Privacy Policies	Transparency	Training

CCPA: Auto Industry Exemptions

- Personal information collected under the Driver's Privacy Protection Act of 1994
- Personal information collected, processed, shared and otherwise disclosed under the Gramm-Leach Bliley Act or the California Financial Information Privacy Act.
- **Assembly Bill 1146**: Businesses **DO NOT** have to comply with a consumer's request to delete personal information in the following scenarios:
 - If the information is necessary for a business to be able to fulfill the terms of a written warranty or product recall conducted in accordance with federal law;
 - If personal information collected by a business about job applicants and/or employees is used within the context of that role; and,

CCPA: Auto Industry Exemptions

- Assembly Bill 1146 (Cont'd): Businesses **DO NOT** have to comply with a consumer's request to delete personal information in the following scenarios:
 - If the information relates to emergency contact information collected for people in those roles or for the information necessary to administer benefits to a person related to an employee.
 - New car dealers **DO NOT** have to delete information that would be used to deal with a vehicle warranty or recall. Dealer **CANNOT** share, sell, or use that data for any other purpose.
 - CCPA does not apply to an “activity involving the collection, maintenance, disclosure, sale, communication, or use of any personal information bearing on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency...”

CCPA: Other Exemptions

- **Assembly Bill 1355:**

- Redefines term “personal information” to **EXCLUDE** deidentified and aggregate consumer information
- Creates a new, one-year (2021) exemption for certain business-to-business (“B2B”) communications.
 - CCPA would not apply to “personal information reflecting a written or verbal communication or a transaction between the business and the consumer, where the consumer is a natural person who is acting as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietorship, nonprofit, or government agency and whose communications or transaction with the business occur solely within the context of the business conducting due diligence regarding, or providing or receiving a product or service to or from such company, partnership, sole proprietorship, nonprofit or government agency,”
- **Assembly Bill 25:** AB-25 exempts businesses from complying with the CCPA regarding personal information about a natural person acting as a job applicant, contractor, director, medical staff member, employee, officer or owner if the information is used for (a) employment purposes; (b) having an emergency contact on file; or (c) administering benefits to the employee and their covered relatives.

Other 2020 Data Privacy Laws

- **Nevada SB 220:** Offers consumers an opt-out regarding the sale of their personal information, with some exceptions.

 - Similar to CCPA. Penalty up to \$5000 per violation
- **Maine ([LD 946](#)):** Maine's new Act to Protect the Privacy of Online Consumer Information prohibits ISPs from using, selling, or distributing consumer data without their consent. The Act will take effect July 1, 2020.
- **Illinois ([SB 1624](#)):** The Governor of Illinois is expected to sign an amendment to the Personal Information Protection Act, requiring businesses to notify the Attorney General of breaches involving at least 500 Illinois residents. This new data privacy law will also permit the Attorney General to publicize information about security breaches.

Other 2020 Data Privacy Laws

- **New York ([SB5575B](#))**: New York has expanded the scope of protection under their data privacy law (SHIELD), establishing standards for businesses to protect consumer information. The law goes into effect March 21, 2020.
- **Oregon ([SB 684](#))**: Effective January 1, 2020, the Oregon Consumer Information Protection Act will expand some data breach notification rules to include vendors.
- **Texas ([HB 4390](#))**: Texas' new data privacy law will be effective starting January 1, 2020. It establishes notification timeline requirements for breach notifications and also establishes a Texas Privacy Protection Advisory Council.
- **Washington ([HB 1071](#))**: Starting March 1, 2020, the definition of “personal information” is expanded in Washington, and businesses must send breach notifications.

2020 Goals and Objectives

- Increase size of committee (Ongoing)
- Complete Tutorial / Guide (November 2020)
- Request public positions on data access, privacy, security and “Golden Rules” from all major organizations (Ongoing)
- Schedule data related presentations (Ongoing)