Comparison of the EU's General Data Protection Regulation and the California Consumer Privacy Act of 2018

	General Data Protection Regulation	California Consumer Privacy Act of 2018
URL	https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=en	https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB375
Effective date	May 25, 2018	January 1, 2020
Type of law	Regulation	Statutes added to Civil Code
How adopted	Passed by European Parliament and the Council of the European Union	Passed by state legislature, signed by Governor
Intent	"[P]rotection of natural persons with regard to the processing of personal data and on the free movement of such data"	"[T]o further Californians' right to privacy by giving consumers an effective way to control their personal information"
Underlying authority	"Article 8(1) of the Charter of Fundamental Rights of the European Union (the 'Charter') and Article 16(1) of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her." "Article 16(2) TFEU mandates the European Parliament and the Council to lay down the rules relating to the protection of natural persons with regard to the processing of personal data and the rules relating to the free movement of personal data."	"In 1972, California voters amended the California Constitution to include [in Article I, Section 1] the right of privacy among the 'inalienable' rights of all people."
Recitals	173 (long) paragraphs	14 (short) paragraphs
Substantive provisions	99 Articles, most with several Sub-articles	19 Sections, most with several (some with numerous) Subsections
Who is protected	**Data subject**: "an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person" Article 4(1)	**Consumers**: "A natural person who is a California resident...however identified, including by any unique identifier." Section 1798.140(g)
Who must comply	**Controller**: "the natural or legal person, public authority, agency or other body which, alone or jointly with others,	**Businesses**: Lengthy definition; generally includes individuals and legal entities operating for profit, that collect and determine the processing of consumers'

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	determines the purposes and means of the processing of personal data" Article 4(7) **Processor**: "a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller" Article 4(8)	personal information, that do business in CA, that (A) has revenue > $25M, or (B) possesses personal information for >= 50,000 consumers, or (C) derives >= 50% of annual revenue from selling consumers' personal information Section 1798.140(c)
Protected information	**Personal information**: "any information relating to…a data subject" Article 4(1)	**Personal information**: Lengthy definition; generally includes any information that identifies or relates to a given consumer or household (including inferences to create a consumer profile), but excludes information that is made available lawfully from governmental records Section 1798.140(o)
Rights of protected individuals (partial list)	When personal data are obtained from the data subject, the controller must identify itself and provide contact information; explain the purposes and the legal basis for the processing; identify recipients of the personal information; state how long the information will be stored; explain the data subject's rights to gain access to, rectify or erasure of personal data or restrict or to object to processing and the right to data portability. Article 13 When data have *not* been obtained from the data subject, similar rights as above *plus* the right to know the source of the personal data, including whether from a publicly accessible source Article 14 The right to access personal data from the controller and information largely as described above Article 15	To request that a business that collects a consumer's personal information disclose to that consumer the categories and specific pieces of personal information the business has collected Section 1798.100 To request that a business delete any personal information about the consumer which the business has collected from the consumer Section 1798.105 To request that a business that *collects* personal information about the consumer disclose to the consumer the categories of personal information it has collected about that consumer; the categories of sources from which the personal information is collected; the business or commercial purpose for collecting or selling personal information; the categories of third parties with whom the

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	The right to rectify personal data and to complete incomplete personal data Article 16 The right to have personal data erased (the right to be forgotten) under various circumstances, including withdrawal of consent; subject, however, to limitations based on freedom of expression, compliance with laws, public health, archival purposes, or for legal claims Article 17 The right to restrict processing of personal data under certain circumstances Article 18 The right to receive a machine-readable copy of personal data and transmit it to another controller (data portability) Article 20 Legislation may restrict the foregoing rights for such reasons as national security, prosecution of public offenses, protection of judicial independence, and the like. Article 23	business shares personal information; the specific pieces of personal information it has collected Section 1798.110 To request that a business that *sells* or that *discloses* personal information disclose to that consumer the categories of personal information that the business collected about the consumer; the categories of personal information that the business sold about the consumer and the categories of third parties to whom the personal information was sold; the categories of personal information that the business disclosed Section 1798.115 To direct a business that sells personal information about the consumer to third parties not to sell the consumer's personal information (the right to opt out) Section 1798.120 A business may not discriminate against a consumer because the consumer has exercised rights under the Act. Section 1798.125 Such obligations do not preclude a business from complying with applicable laws, cooperating with law enforcement, pursuing legal claims, aggregating consumer information, or participating in activities that take place entirely outside California. Section 1798.145 Agreements may not limit or waive consumers' rights. Section 1798.192

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Enforcement	Right to lodge a complaint with a supervisory authority Article 77 Right to an effective judicial remedy against a supervisory authority that renders an adverse decision or does not respond to a complaint within three months Article 78 Right to an effective judicial remedy against a controller or processor Article 79 Data subjects may be represented by not-for-profit entities. Article 80 The right to receive compensation from the controller or processor for damage suffered Article 82 Imposition of administrative fines by supervisory authorities Article 83 Member States' imposition of "effective, proportionate and dissuasive" penalties for infringements that are not subject to administrative fines Article 84	Consumer civil suit: Statutory damages of $100-750 per consumer per incident, or actual damages if greater; injunctive or declaratory relief; other relief; statutory damages or class action only if the business does not cure within 30 days of receiving notice of violation; A-G must be notified and has the right to pre-empt or quash the suit. Section 1798.150 Any business or third party may request A-G guidance re how to comply. Section 1798.155 A-G to seek public input and adopt regulations. Section 1798.185