

Comparison Between California Laws & Proposed Federal Privacy Bill

The American Data Privacy and Protection Act of 2022 (ADPPA), a bipartisan, bicameral comprehensive federal privacy bill, will provide users across the US with strong privacy rights, including a private right of action against companies, a universal opt-out of use or sale of data by data brokers, and civil rights protections. However, it would preempt any comprehensive state privacy law, including the California Consumer Privacy Act (CCPA) and the California Privacy Rights Act (CPRA). The following is a comparison of the protections provided by each.

ADPPA is superior to CCPA/CPRA both in **substance** (more, better protections) and in **scope** (it covers the entire United States).

Issue	CCPA/CPRA Only in California	ADPPA In all of US
Coverage	Big businesses (all others have some light requirements)	Small businesses, big businesses with extra requirements, nonprofits
Data Minimization	General: If a company discloses it, any purpose for data collection/use is ok	Strong, specific: companies have to show their purpose is reasonably necessary and proportionate from a list of permissible purposes
Sensitive Data to Third Parties	Users have to actively opt out of via link	Only allowed with specific opt-in consent for each instance
Take-it or-leave-it	Prohibits retaliation if users make use of their privacy rights	Prohibits retaliation if users make use of their privacy rights
Civil Rights	No provisions	No data collection, process or transfer that discriminates, Algorithmic impact assessments
Protecting Kids	No selling data under 15 except with opt-in	No targeted ads under 17; kids data protected as sensitive Creation of youth privacy and marketing division at the FTC
Data Brokers	Must opt-out separately with each business and users have to guess who has their data	One place to have ALL data deleted and stop future collection
User Rights	Rights to access/correct/delete and data portability	Rights to access/correct/delete and data portability
Enforcement	By California Privacy Protection Agency only in California	By FTC, State Attorneys General, and state privacy agencies in all of US
Private Right of Action	Users can only sue for data breaches only in California	Users can sue for data breaches in California Users can sue companies for violations of the act in all of US
Future Action	California can add protections	Only Congress can add or subtract protections