

Preparing for the CCPA: 5 Questions, Answered

The California Consumer Protection Act (CCPA) is a landmark data privacy law that will be in effect starting on January 1, 2020. The CCPA is the most comprehensive privacy law in the US to date and aims to give Californians more control over their personal information.

Here's what marketers need to know:

1. How is Personal Information defined under the CCPA?

The CCPA explicitly covers data such as "online identifiers", "IP addresses", "browsing history", "information regarding a consumer's interaction with a website, application, or advertisement" and "geolocation data" if it can be reasonable linked, directly or indirectly, with a particular consumer or household.

Criteo does not collect any data, such as first and last name or postal address or even email address in plain text, that would allow us to identify a person. However, our technology is able to single out a particular device or browser.

As such, we expect that most data collected by Criteo, which is already considered Personal Data under the GDPR, will be considered Personal Information under the CCPA.

2. What rights does the CCPA grant to consumers?

The CCPA adopts a very broad definition of personal information and introduces transparency requirements. It offers new protections to consumers in California, including:

- The right to know; Users can gain access to the "specific pieces of personal information the business has collected about that user".
- The right to delete; Users can request that a business delete any or all personal information about the consumer which the business has collected from the consumer.
- The right to opt out; Users will be able to instruct a company not to "sell" their personal information to third parties.



3. Who should be preparing for the CCPA?

The territorial and material scopes of the CCPA are complex so you should seek legal advice.

Criteo's advertisers and retailers shipping to California, as well publishers who operate websites and apps of interest for Californians, may fall within the definition of "businesses" under the CCPA, if any of the following are true:

- 1 > \$25M annual gross revenue
- 2 > 50,000 unique visitors from California
- 3 > 50% of annual revenue derived from displaying ads through Criteo to users from California

The CCPA will also apply, at least to some extent, to affiliates of companies that fall themselves within the above definition.

5. What should advertisers and publishers do next?

- Determine to what extent the CCPA will apply to them and seek legal advice if required
- Be ready to update their privacy disclosures and implement choice mechanisms

Disclaimer: This summarizes the main requirements related to the CCPA, without going into full details. This does not constitute legal advice, nor is this information intended to create or rise to the level of an attorney-client relationship. You should seek professional legal advice where appropriate.

4. What is Criteo's status under the CCPA?

Because Criteo "determines the purposes and means of the processing of consumers' personal information" but it is not the entity which the users intend to interact primarily with, we expect Criteo will be considered both a 'business' and a 'third party'.

At the core of Criteo technologies are its AI-driven algorithms and its Shopper Graph, which both rely on a 'network effect' to bring shared value to its customers and partners. This is why Criteo does not expect to act as a Service Provider as it would limit its ability to operate such technologies.

Privacy = A Core Criteo Principle

Our product teams develop every feature with privacy in mind. It's the cornerstone of Privacy by Design, a four-step approach that ensures an industry-leading level of safety for marketers and consumers alike:

Power of Information. Our privacy standards are deliberately rigorous. We know that the more a consumer understands what we do, the more confident they'll feel.

User Choices. We make every effort to enhance the shopping experience, but we respect that some consumers would rather opt-out. We make it easy for them to do so with a few clicks.

Security. Data is always securely collected and retained. We operate our own servers and have a dedicated security team.

Privacy Counsel. Our team of privacy experts constantly assess risks, provide company-wide privacy training, and help us to build even better products.

We're well aware and prepared for the implications of the CCPA, and we're ready to help our clients and publisher partners understand our products and services. By working together to understand and prepare for the regulations, we can all look forward to a future where consumers trust every business to treat their data fairly and securely.

To learn more, download our CCPA report.

