VLP Partner Melissa Krasnow Quoted in Bloomberg Law Article “California Businesses Gain Clarity on Consumer Data Requests”

VLP Partner Melissa Krasnow was quoted in the Bloomberg Law Article “California Businesses Gain Clarity on Consumer Data Requests.”

The article discusses California Attorney General Rob Bonta’s first opinion under the California Consumer Privacy Act (CCPA), which will likely impact how companies respond to consumer requests for “inferences” that businesses generate to sell targeted products and services. Click here for the opinion.

This opinion lays out that consumers have a right to access inferences, regardless of whether those are generated by a company’s data or data from another source. That right to know includes inferences made from publicly available information.

While this opinion makes clear that the right to access doesn’t pertain to trade secrets, it also states that businesses that don’t disclose inferences bear the “ultimate burden” of demonstrating that such information constitutes “trade secrets under the applicable law.” An assertion of “trade secret” or “propriety information” isn’t enough, and the import of the CCPA is that companies must respond to requests in a meaningful fashion, according to the opinion.

According to Ms. Krasnow: “This framing suggests companies should err on the side of disclosure and be prepared with a compelling argument if they decide not to grant access for certain requests….”.

Interestingly, California Attorney General Rob Bonta states that it’s beyond the scope of the opinion to “address whether any particular kind or class of internally generated inference might be protected” from disclosure because it’s a trade secret.

Ms. Krasnow said: “This could perhaps be the source of future opinions….[t]he language suggests this could be a teaser of future guidance.”

Click here for the article.