



## SB 362 – California Delete Act

### **SUMMARY**

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SB 362 creates a webpage within the California Privacy Protection Agency (CPPA) that enables consumers to request the deletion of their personal information from each registered data brokers' records. The Act also requires data brokers to report what information they collect on consumers, including reproductive healthcare data, and imposes civil penalties and fines on data brokers who fail to comply with the deletion requirements.

### **BACKGROUND**

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Data brokers are companies that collect, analyze, and sell personal information about consumers without a direct relationship with them. They aggregate data from various sources, including public records, social media platforms, and online transactions, to create detailed profiles on millions of individuals.

Data brokers are currently required to register with the California Attorney General, but are not required to report what kind of information they collect and sell. The California Consumer Privacy Act (CCPA) established a “right to delete” to allow consumers to delete information that was collected directly from the consumer.

### **PROBLEM**

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The current CCPA right to delete is insufficient to protect consumers from data brokers, as it is limited to information "collected from the consumer." Data brokers do not collect information from consumers directly, creating a loophole that leaves Californians vulnerable to the risks associated with unauthorized data collection and sale.

Though data brokers are required to register with the Attorney General, consumers must individually contact each of the hundreds of data brokers to request their information be deleted, and regularly repeat that process to account for the new information data brokers collect.

Consumers have no way of verifying if their information is deleted or if the data broker has ceased gathering data on the consumer. Further, data brokers are not required to disclose what kind of information they collect from consumers. This process is time-consuming and practically impossible for even the most dedicated consumers, but especially for those with limited access to technology or facing language barriers. As a result, many Californians are unable to effectively protect their privacy and exercise their rights.

The inability to effectively delete personal information from data brokers also poses significant risks to Californians' privacy, safety, and well-being. Data brokers collect sensitive information related to consumers' healthcare choices, financial status, and other personal details without their knowledge or consent.

Reproductive healthcare privacy is of particular concern as data brokers collect sensitive information related to consumers' healthcare choices. With increased criminalization of abortion and gender affirming care occurring nationwide, the potential misuse of healthcare data could lead to harassment, discrimination, and even legal consequences for those who seek those services in California.

Additionally, data brokers' practices put elderly individuals at higher risk for scams, identity theft, and financial exploitation that rely on the collection and misuse of personal information. Consumers, especially elderly consumers, have limited knowledge about the extent and nature of the information collected and sold by data brokers, leaving them vulnerable to a wide range of potential harms.

### **SOLUTION**

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The California Delete Act aims to address these concerns by requiring data brokers to register with the CPPA, disclose the types of personal information they collect (including reproductive

healthcare data) and requiring the CPPA to establish a clear and accessible mechanism for consumers to request the deletion of their personal information.

The accessible deletion mechanism must allow consumers to request the deletion of their personal information from data brokers' records through a single request and free of charge. Data brokers must process all pending deletion requests every 31 days, direct service providers or contractors to delete consumers' personal information, and provide a confirmation to the consumer and the CPPA regarding the records' deleted.

Data brokers that fail to comply with registration and deletion requirements are subject to civil penalties and administrative fines as determined by the Attorney General and the CPPA.

Beginning January 1, 2027 and every three years thereafter, data brokers must undergo an independent third-party audit to assess compliance with the Act, and report to the CPPA within six months of the audit's completion. Data brokers must pay a registration fee and a fee for accessing the accessible deletion mechanism, which will be used to cover the reasonable costs of establishing and maintaining the informational internet website and accessible deletion mechanism.

By enhancing transparency and giving consumers control over their data, this bill will help protect Californians' privacy and mitigate the risks associated with the collection and sale of sensitive personal information by data brokers.

## **SUPPORT**

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Privacy Rights Clearinghouse (Sponsor)

## **FOR MORE INFORMATION**

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