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CONTACT:

SOS Press Office

(916) 653-6575

Proposed Initiative Enters Circulation

Establishes New Consumer Privacy Rights; Expands Liability For Consumer Data Breaches. Initiative Statute.

SACRAMENTO – Secretary of State Alex Padilla announced the proponents of a new initiative were cleared to begin collecting petition signatures today.

The Attorney General prepares the legal title and summary that is required to appear on initiative petitions. When the official language is complete, the Attorney General forwards it to the proponent and to the Secretary of State, and the initiative may be circulated for signatures. The Secretary of State then provides calendar deadlines to the proponent and to county elections officials. The Attorney General's official title and summary for the measure is as follows:

ESTABLISHES NEW CONSUMER PRIVACY RIGHTS; EXPANDS LIABILITY FOR CONSUMER DATA BREACHES. INITIATIVE STATUTE. Gives consumers right to learn categories of personal information that businesses collect, sell, or disclose about them, and to whom information is sold or disclosed. Gives consumers right to prevent businesses from selling or disclosing their personal information. Prohibits businesses from discriminating against consumers who exercise these rights. Allows consumers to sue businesses for security breaches of consumers' data, even if consumers cannot prove injury. Allows for enforcement by consumers, whistleblowers, or public agencies. Imposes civil penalties. Applies to online and brick-and-mortar businesses that meet specific criteria. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Increased costs, potentially reaching the low tens of millions of dollars annually, to state and local governments from implementing and enforcing the measure, some or all of which would be offset by increased penalty revenue or settlement proceeds authorized by the measure. Unknown impact on state and local tax revenues due to economic effects resulting from new requirements on businesses to protect consumer information.** (17-0039.)

The Secretary of State's tracking number for this measure is 1836 and the Attorney General's tracking number is 17-0039.

The proponents of the measure, Mary Ross and Alastair Mactaggart, must collect the signatures of 365,880 registered voters (five percent of the total votes cast for Governor in the November 2014 general election) in order to qualify it for the ballot. The proponents have 180 days to circulate petitions for the measure, meaning the signatures must be submitted to county elections officials no later than June 18, 2018. The proponent can be reached c/o James C. Harrison and Kristen M. Rogers at (510) 346-6200.

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