

University of California, Hastings College of the Law

UC Hastings Scholarship Repository

Propositions

California Ballot Propositions and Initiatives

2020

AMENDS CONSUMER PRIVACY LAWS. INITIATIVE STATUTE

Follow this and additional works at: https://repository.uchastings.edu/ca_ballot_props

★ ARGUMENT IN FAVOR OF PROPOSITION 24 ★

The world's biggest corporations are collecting deeply personal and private information about all of us. Sadly, our current laws aren't strong enough to protect us or our families from those who would abuse our most personal information.

In 2018, the Legislature enacted the California Consumer Privacy Act. But since then, industry has repeatedly tried to weaken and limit enforcement of this law.

Consumers need stronger protections. That's why we've introduced the California Privacy Rights Act of 2020, to strengthen current privacy laws.

In addition to monitoring our kids, many corporations track us constantly, from gym to office to clinic; they know our friends, jobs, weight, where we eat and how fast we're driving, our private searches and what we look at online. They also track and sell sensitive information like our race, sexual orientation, and religion.

We believe we should be in control of our own information, and have the right to stop the use of our most sensitive personal information.

OUR PERSONAL INFORMATION—AND OUR CHILDREN'S—IS BEING ABUSED:

Giant corporations make billions buying and selling our personal information—apps, phones, and cars sell your location constantly. The California Privacy Rights Act gives you the power to stop businesses tracking you precisely, like selling how many times you go to the gym or fast food restaurants to health insurers—without your knowledge or permission.

Worse, these corporations don't keep your information safe. In 2018, there were a whopping 1,244,000,000 data breaches in the U.S., with over 446,000,000 records exposed, leading to massive identity theft. This measure holds big businesses accountable by imposing huge fines if they're negligent and don't keep your or your kids' health information, or Social Security numbers safe.

THE CALIFORNIA PRIVACY RIGHTS ACT WOULD:

1. PROTECT YOUR MOST PERSONAL INFORMATION, by allowing you to prevent businesses from using or sharing sensitive information about your health, finances, race, ethnicity, and precise location;
 2. Safeguard young people, TRIPLING FINES for violations involving children's information;
 3. Put new limits on companies' collection and use of our personal information;
 4. Establish an enforcement arm—the California Privacy Protection Agency—to defend these rights and hold companies accountable, and extend enforcement including IMPOSING PENALTIES FOR NEGLIGENCE resulting in theft of consumers' emails and passwords.
 5. MAKE IT MUCH HARDER TO WEAKEN PRIVACY in California in the future, by preventing special interests and politicians from undermining Californians' privacy rights, while allowing the Legislature to amend the law to further the primary goal of strengthening consumer privacy to better protect you and your children, such as opt-in for use of data, further protections for uniquely vulnerable minors, and greater power for individuals to hold violators accountable.
- VOTE YES ON PROP. 24 TO SUPPORT THE CALIFORNIA PRIVACY RIGHTS ACT:

California led the nation in enacting privacy rights, but big corporations are spending millions lobbying to weaken our laws. Instead, we need to make California privacy laws stronger. We need to safeguard our privacy protections, and hold corporations accountable when they violate our fundamental rights.

For more information, visit: www.caprivacy.org.

Please join us and VOTE YES ON PROP. 24.

JAMES P. STEYER, CEO
Common Sense Media

ALICE A. HUFFMAN, President
California NAACP

CELINE MACTAGGART, Director
Californians for Consumer Privacy

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 24 ★

We work every day to protect the rights of all Californians. We OPPOSE Proposition 24 because it stacks the deck in favor of big tech corporations and reduces your privacy rights.

If Proposition 24 REALLY strengthened privacy protections, we'd fight for it. But the truth is, its 52 pages are full of giveaways to social media and tech giants.

Proposition 24's funder hopes you won't read its fine print. If you do, you'll see it reduces your rights under current law, giving big tech businesses new ways to collect your private information, like data from health and financial apps, and tracking where you go.

Proposition 24 asks you to approve "pay for privacy," letting companies charge more to safeguard your personal information. It's hard enough for financially strapped Californians to access high-speed internet for essential services, healthcare, and school during a pandemic. Pay for privacy has racially discriminatory impacts, disproportionately pricing out working people, seniors, and

Black and Latino families. All Californians deserve privacy, not just the wealthy.

Proposition 24 restricts Californians from enforcing your own privacy rights in court. It wants you to trust a brand new state agency, created during a budget crunch, to protect your rights.

Proposition 24 was written behind closed doors with input from the same tech companies with histories of profiting off of your personal information in unfair and discriminatory ways. It puts more power in the hands of tech companies like Facebook that already have too much power. It protects big tech business, not people. Vote NO on Proposition 24.

KEVIN BAKER, Director
Center for Advocacy and Policy, American Civil Liberties Union (ACLU) of California

NAN BRASMER, President
California Alliance for Retired Americans

JOHN MATHIAS, Deputy Senior Campaign Director
Color of Change

★ ARGUMENT AGAINST PROPOSITION 24 ★

Vote NO on Proposition 24 because it was written behind closed doors with input from giant tech corporations that collect and misuse our personal information—while the measure’s sponsor rejected almost every suggestion from 11 privacy and consumer rights groups. Proposition 24 reduces privacy protections by severely weakening your rights under current California law.

Make no mistake—the privacy of every Californian is at stake!

The real winners with Proposition 24 are the biggest social media platforms, giant tech companies and credit reporting corporations who get more freedom to invade the privacy of workers and consumers, and to continue sharing your credit data. Here’s what they won’t tell you about the 52 pages of fine print:

Proposition 24 asks you to approve an Internet “pay for privacy” scheme. Those who don’t pay more could get inferior service—bad connections, slower downloads and more pop up ads. It’s an electronic version of freeway express lanes for the wealthy and traffic jams for everyone else.

Currently, employers can obtain all kinds of personal information about their workers and even job applicants, including things like using a pregnancy tracking app, where you go to worship or if you attend a political protest. Proposition 24 allows employers to continue secretly gathering this information for more years to come, overriding a new law that lets workers know what sensitive private information their bosses have beginning January 1, 2021.

Under California law, your privacy rights follow you wherever you go. But with Proposition 24, the minute you travel out of state with a phone, wearable device, or computer, big tech companies are allowed to capture the health, financial,

and other confidential information you stored on your device.

You can set web browsers and cell phones to send a signal to each website you visit and app you use to stop selling your personal data, so you don’t have to think about it each time. Proposition 24 would allow companies to disregard those instructions and shift the burden to you to notify each and every website and app individually to protect your data. Proposition 24’s new enforcement agency sounds good, but when tech corporations get caught violating your privacy, all they have to do is cooperate with the agency and their only penalty could be a slap on the wrist.

California’s new privacy law just took effect this year. Smaller businesses spent a lot of money to comply with the new regulations. Before we even know how this new law is working, Proposition 24 rewrites it, forcing smaller businesses to absorb even more costs at a time that the economic slowdown has many businesses on the verge of closing their doors.

Proposition 24 was written to accommodate big social media platforms and the Internet and technology companies that spend tens of millions of dollars a year to lobby government at all levels to avoid laws that hurt their profits. Proposition 24 is a bonanza for them—and a big step back for consumer privacy. Please Vote NO on Proposition 24.

www.CaliforniansForRealPrivacy.org

TRACY ROSENBERG, President
Californians for Privacy Now

RICHARD HOLOBER, President
Consumer Federation of California

DOLORES HUERTA, Labor and Civil Rights Leader

★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 24 ★

COMMUNITY LEADERS SUPPORT PROP. 24

Prop. 24 allows the Legislature to pass stronger privacy laws, including stricter prohibitions on companies treating consumers differently for their privacy choices.

YES ON 24 TO STOP ATTEMPTS TO WEAKEN PRIVACY

“I have witnessed many attempts to weaken California’s privacy laws by deceptively named groups. Prop. 24 protects sensitive personal information, children’s privacy, and helps stop identity theft. It’s even stronger than the California Consumer Privacy Act. Please vote YES on Prop. 24.”—*Senator Robert M. Hertzberg, Joint Author, California Consumer Privacy Act*

YES ON 24 TO SUPPORT ECONOMIC FAIRNESS

“Monopolies like Facebook and Google make enormous profits by using your private information to manipulate what you see online. Vote YES on PROP. 24, to take back control over your most valuable commodity: your personal information.”—*Paul Romer, Nobel Prize Winner in Economics*

YES ON 24 TO STOP RACIAL PROFILING ONLINE

“Prop. 24 allows consumers to stop companies from using online racial profiling to discriminate against them.”—*Alice Huffman, President, California NAACP*

YES ON 24 TO PROTECT HEALTH DATA

“Stop businesses using your most personal health information without your permission. Vote yes on Prop. 24.”—*Brad Jacobs, MD, Past Chair, Academy of Integrative Health & Medicine*

YES ON 24 TO STRENGTHEN CALIFORNIA PRIVACY LAWS

“We are pleased that the California Privacy Rights Act would close loopholes, strengthen enforcement, and help prevent the Legislature from weakening the measure.”—*Maureen Mahoney, PhD, Consumer Reports*

YES ON 24 TO PROTECT KIDS ONLINE

“Kids are spending so much time online this year! Protect them by voting YES on Prop. 24, which triples fines for violating children’s privacy.”—*Alex Traverso, President, Theodore Judah PTA*

JAMES P. STEYER, CEO
Common Sense Media

ALICE A. HUFFMAN, President
California NAACP

CELINE MACTAGGART, Director
Californians for Consumer Privacy