

CONCURRENCE IN SENATE AMENDMENTS

AB 2561 (Valencia)

As Amended August 20, 2026

Majority vote

SUMMARY

This bill prohibits an operating system or application from undoing a user's affirmative configuration of a privacy setting without the user's consent.

Senate Amendments

- 1) Creates an exception to the consent requirement if it is required by state or federal law, court order, or in response to a subpoena in an individual case or proceeding.
- 2) Clarifies that this section does not prohibit a business from discontinuing services or applications, ceasing the collection, use, retention, or sharing of a user's personal information, or ceasing to offer privacy options, provided that such changes are either compliant with this section, or the changes result in either of the following:
 - a) Maintaining the current protections related to the collection, use, sharing, or retention of personal information collected by the business before the change in its services or settings.
 - b) An increase in privacy protection by reducing the collection, use, sharing, or retention of personal information.

COMMENTS

Consumer data collection has become an inescapable feature of modern digital life, with operating systems, applications, and online services continuously gathering information about your location, browsing habits, purchase history, device usage, and even physical activity. This is often done in ways that are not immediately visible to the average user. Tech companies, advertisers, and data brokers aggregate this information to build detailed profiles that can influence everything from the ads a consumer sees to the prices they are offered, and in some cases, the data is sold to or accessed by third parties the consumer never interacted with.

Privacy settings on operating systems such as Windows, macOS, iOS, and Android allow users to review and set permissions granted to apps, limit location tracking, disable telemetry and diagnostic sharing, and restrict ad personalization. At the app level, consumers generally have the ability to control access to their camera, microphone, contacts, and storage, and to opt out of data sharing features.

This bill ensures that those consumers who take advantage of these options and configure their privacy settings are having their preferences honored. This bill prohibits an operating system or application from undoing a user's affirmative configuration of a privacy setting without the user's consent except as required by state or federal law, court order, or in response to a subpoena in an individual case or proceeding.

According to the Author

AB 2561 strengthens privacy protections for consumers by ensuring that software companies and applications do not change privacy settings without their explicit consent. The overwhelming majority of Californians strongly desire data minimization. However, the default settings for many software systems and apps are the least privacy protected and are designed to have the user share their data, often times for profit and without their knowledge. Further, it is not uncommon after a software or app update, for user's privacy settings to be changed. If a user is savvy enough to notice a difference in their settings, the onus falls on them to troubleshoot the issue and re-adjust their privacy setting to what it was prior to the update. AB 2561 would prioritize user's privacy rights and ensure they remain in control of their data.

Arguments in Support

TechNet writes in support:

We appreciate the author's goal of strengthening consumer privacy protections and ensuring that users maintain meaningful control over their data. Previously, we had concerns around operational feasibility, unintended consequences for security and safety, and conflicts with existing privacy frameworks.

Recent amendments, we believe, create a more balanced approach to strengthening consumer protections while addressing feasibility and security concerns. We are now proud to SUPPORT AB 2561 (Valencia), and appreciate the author's willingness to address our concerns.

Arguments in Opposition

None.

FISCAL COMMENTS

This bill has been keyed non-fiscal.

VOTES:**ASM PRIVACY AND CONSUMER PROTECTION: 15-0-0**

YES: Bauer-Kahan, Macedo, Bryan, DeMaio, Hoover, Irwin, Lowenthal, McKinnor, Ortega, Patterson, Pellerin, Petrie-Norris, Ward, Wicks, Wilson

ASSEMBLY FLOOR: 77-0-3

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Arambula, Bennett, Celeste Rodriguez

UPDATED

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