## THIRD READING

Bill No:    AB 566
Author:     Lowenthal (D)
Amended:    6/2/25 in Assembly
Vote:       21

SENATE JUDICIARY COMMITTEE:  11-0, 7/1/25
AYES:  Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab,
  Weber Pierson, Wiener
NO VOTE RECORDED:  Niello, Valladares

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR:  53-1, 6/5/25 - See last page for vote

**SUBJECT:**  California Consumer Privacy Act of 2018:  opt-out preference signal

**SOURCE:**    California Privacy Protection Agency

**DIGEST:**   This bill requires browsers and browser engines to include a setting
that enables a consumer to send an opt-out preference signal to a business with
which a consumer interacts through the browser.

**ANALYSIS:**

Existing law:

1)  Establishes the California Consumer Privacy Act (CCPA), which grants
    consumers certain rights with regard to their personal information. (Civil (Civ.)
    Code § 1798.100 et seq.)

2)  Provides consumers the right, at any time, to direct a business that sells or
    shares the consumer's personal information to third parties not to sell or share
    that information. It requires such a business to provide notice to consumers, as
    specified, that this information may be sold or shared and that consumers have
    the right to opt out of that selling and sharing. (Civ. Code § 1798.120.)

3) Provides a business shall not be required to comply with the requirement to place a clear and conspicuous link to opt out if the business allows consumers to opt out of the sale or sharing of their personal information and to limit the use of their sensitive personal information through an opt-out preference signal sent with the consumer's consent by a platform, technology, or mechanism, based on technical specifications set forth in regulations. (Civ. Code § 1798.135.)

4) Defines "personal information" as information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. The CCPA provides a nonexclusive series of categories of information deemed to be personal information, including identifiers, biometric information, and geolocation data. (Civ. Code § 1798.140(v).) The CCPA defines and provides additional protections for sensitive personal information, as defined, that reveals specified personal information about consumers. (Civ. Code § 1798.140(ae).)

5) Establishes the California Privacy Rights Act of 2020 (CPRA), which amends the CCPA and creates the California Privacy Protection Agency (PPA), which is charged with implementing these privacy laws, promulgating regulations, and carrying out enforcement actions. Permits amendment of the CPRA by a majority vote of each house of the Legislature and the signature of the Governor, provided such amendments are consistent with and further the purpose and intent of this act as set forth therein. (Civ. Code § 798.100 et seq.; Proposition 24 (2020).)

This bill:

1) Establishes the California Opt Me Out Act.

2) Prohibits a business from developing or maintaining a browser or browser engine that does not include a setting that enables a consumer to send an opt-out preference signal to a business with which the consumer interacts through the browser. This required setting must be easy for a reasonable person to locate and configure.

3) Requires a business that develops or maintains a browser or browser engine to make clear to a consumer in its public disclosures how the opt-out preference

signal works and the types of personal information to which the signal would apply.

4) Authorizes the PPA to adopt regulations as necessary to implement and administer this law.

5) Defines the relevant terms:

   a) "Browser" means an interactive software application that is used by consumers to locate, access, and navigate internet websites.
   b) "Browser engine" means the software component of a web browser or web-enabled application that interprets and renders web content, including HTML, CSS, and JavaScript, transforming code into interactive visual output on a consumer's device, including, but not limited to, Blink, Gecko, and WebKit.
   c) "Opt-out preference signal" means a signal that complies with this title and that communicates the consumer's choice to opt out of the sale and sharing of the consumer's personal information.

6) Includes findings and declarations that this law furthers the purposes and intent of the CPRA.

**Background**

The CCPA grants consumers certain rights with regard to their personal information, including enhanced notice, access, and disclosure; the right to deletion; and protection from discrimination for exercising these rights. (Civ. Code § 1798.100 et seq.) In the November 3, 2020 election, voters approved Proposition 24, which established the CPRA. The CPRA amends the CCPA, limits further amendment, and creates the PPA. Relevant here, the CCPA provides a consumer the right, at any time, to direct a business that sells or shares personal information about the consumer to third parties not to sell or share the consumer's personal information. It requires such a business to provide notice to consumers of their opt-out right.

This bill seeks to empower consumers to exercise this right more meaningfully in the many interactions they have with businesses online. It prohibits a business from developing or maintaining a browser or browser engine that does not include a setting that enables a consumer to send an opt-out preference signal to a business with which the consumer interacts through the browser. The setting must be easy for a reasonable person to locate and configure. This bill is sponsored by the

California Privacy Protection Agency. It is supported by a number of privacy and consumer advocacy groups as well as technology companies, including Mozilla and the Center for Digital Democracy and Consumer Reports. A number of industry associations are opposed, including the California Apartment Association.

**Comments**

Despite the right to opt out, many consumers are simply overwhelmed with meaningfully exercising this right given all the businesses that the consumer interacts with online. According to research by Consumer Reports:

> The CCPA's opt-out model is inherently flawed; it places substantial responsibility on consumers to identify the companies that collect and sell their information, and to submit requests to access it, delete it, or stop its sale. Even when companies are making a good-faith effort to comply, the process can quickly become unmanageable for consumers who want to opt out of data sale by hundreds if not thousands of different companies.[1]

The report found that consumers struggled to locate the required links and were forced to navigate through confusing disclosures. The report offered up a number of policy recommendations, including that consumers should have access to browser privacy signals that allow them to opt out of all data sales in one step.

Recently Global Privacy Control entered the market. It is a browser setting that notifies websites of a consumer's privacy preferences, such as not sharing or selling their personal information, with each website the consumer visits.

The CCPA requires businesses to honor opt-out preference signals as a request to opt-out of sale of their personal information. The California Department of Justice (DOJ) included this in their CCPA regulations, adopted in 2020. The PPA's regulations, adopted in 2023, updated the opt-out preference signal requirement. The author argues that now that California businesses receiving opt-out preference signals are required to honor them, there is a significant opportunity to expand consumer access by requiring browsers to offer similar preference signals to consumers. This bill provides that a business shall not develop or maintain a browser or browser engine that does not include a setting that enables a consumer

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[1] Maureen Mahoney, *California Consumer Privacy Act: Are Consumers' Digital Rights Protected?* (October 1, 2020) Consumer Reports, **https://advocacy.consumerreports.org/wp-content/uploads/2020/09/CR_CCPA-Are-Consumers-Digital-Rights-Protected_092020_vf.pdf** [as of July 14, 2025].

to send an opt-out preference signal to a business with which the consumer interacts through the browser. It requires the setting to be easy for a reasonable person to locate and configure. This bill authorizes the PPA to adopt regulations.

According to the author:

> Californians have the right to easily opt-out of the sale of their personal information through opt-out preference signals, yet a significant number of leading web browsers do not offer such signals. Consumers are often unaware of how their data is being collected and shared when they are using the internet, which leads to the misuse of their personal data.
>
> AB 566 makes it easier for consumers to state their privacy preferences from the start by requiring web browsers to allow a user to exercise their opt-out rights at all businesses with which they interact online in a single step.

A substantially similar bill was passed by the Legislature last year, AB 3048 (Lowenthal, 2024), but it was vetoed by Governor Newsom, who stated:

> This bill would require internet browsers and mobile operating systems to include a setting that California consumers can use to signal to businesses with which they interact that they wish to, first, opt out of the sale or sharing of their personal information, and second, limit use of their sensitive personal information.
>
> I share the author's desire to enhance consumer privacy. Last year, I signed SB 362 (Becker), which requires the California Privacy Protection Agency to establish an accessible deletion mechanism allowing consumers to request that data brokers delete all of their personal information.
>
> I am concerned, however, about placing a mandate on operating system (OS) developers at this time. No major mobile OS incorporates an option for an opt-out signal. By contrast, most internet browsers either include such an option or, if users choose, they can download a plug-in with the same functionality. To ensure the ongoing usability of mobile devices, it's best if design questions are first addressed by developers, rather than by regulators.

In response to this veto message, this bill does not place obligations on operating systems, but rather limits its focus to browsers and browser engines.

**FISCAL EFFECT:** Appropriation:  No   Fiscal Com.:   Yes   Local:  No

Senate Rule 28.8

**SUPPORT:**  (Verified  7/14/25)

California Privacy Protection Agency (sponsor)
Access Humboldt
Brave Software
California Initiative for Technology and Democracy
Center for Democracy and Technology
Center for Digital Democracy
Center for Economic Justice
Common Sense Media
Concept Art Association
Consumer Action
Consumer Federation of America
Consumer Federation of California
Consumer Reports
Consumer Watchdog
Digital Content Next
Electronic Frontier Foundation
Electronic Privacy Information Center
Los Angeles County Democratic Party
Mothers Against Media Addiction
Mozilla
Oakland Privacy
Privacy Rights Clearinghouse
Santa Monica Democratic Club
Secure Justice
Tech Oversight California

**OPPOSITION:**  (Verified  7/14/25)

Association of National Advertisers
California Apartment Association
California Chamber of Commerce

California Retailers Association
Chamber of Progress
Computer and Communications Industry Association
Insights Association
Silicon Valley Leadership Group
Software Information Industry Association
Technet

**ARGUMENTS IN SUPPORT:** The PPA writes:

> Opt-out preference signals like the Global Privacy Control (GPC) are important innovations as they significantly simplify consumers' ability to exercise their rights at scale to opt-out of sale under the [CCPA] by enabling them, in a single step, to send an opt-out request to every site they interact with online. The CCPA currently requires businesses to honor opt-out preference signals as a request to opt-out of the sale of their personal information. [DOJ] included this in their CCPA regulations, adopted in 2020 and the CPPA's regulations, adopted in 2023, update the opt-out preference signal requirement. However, only a handful of browsers currently offer native support for opt-out preference signals. Importantly, none are loaded onto devices by default, making it difficult for consumers to learn about and take advantage of these protections. Google Chrome, Microsoft Edge, and Apple Safari—which make up over 90% of the desktop browser market share—have declined to offer these signals.

> In addition, while major browsers including Google have rebuffed calls to offer opt-out preference signals to support consumers, Google has simultaneously introduced new practices in the last few months that further erode Californians' privacy. In February of 2025, Google updated its policies to allow its ad partners to use digital fingerprinting technologies to identify users and collect information about them. Fingerprinting allows businesses to collect information about a device's hardware or software which can easily be combined with other data to uniquely identify a user. As critics, including the UK's data protection authority have pointed out, this technology largely operates unknown to the user and outside of their control. One of the best ways for a consumer to limit the privacy harms of digital fingerprinting is for consumers to be able to send opt-out preference signals.

**ARGUMENTS IN OPPOSITION:** The Association of National Advertisers states:

> California consumers already have access to opt-out preference signals in the marketplace. Consumers can use browsers that enable such signals or download extensions or other technologies that allow them to set such signals. AB 566 is therefore unnecessary. In addition, the bill is ambiguous, would harm competition, would delegate broad authority to the [CCPA] to issue regulations for standards that should instead be set by the legislature, and would continue to impose impracticable obligations on mobile operating system ("OS") developers. The Governor vetoed a similar proposal under AB 3048 just last year, reasoning that imposing a technical mandate on mobile operating systems could impact the ongoing usability of mobile devices. In vetoing the bill, the Governor expressed concern with "placing a mandate on operating system (OS) developers at this time" and stated that ". . . it's best if design questions are first addressed by developers, rather than by regulators."

ASSEMBLY FLOOR:  53-1, 6/5/25
AYES:  Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Pacheco, Pellerin, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas
NOES:  DeMaio
NO VOTE RECORDED:  Alanis, Bains, Castillo, Chen, Davies, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Irwin, Lackey, Macedo, Ortega, Papan, Patel, Patterson, Petrie-Norris, Michelle Rodriguez, Sanchez, Ta, Tangipa, Wallis

Prepared by:  Christian Kurpiewski / JUD. / (916) 651-4113
7/15/25 16:21:41

**\*\*\*\*  END  \*\*\*\***