Office of Senate Floor Analyses
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UNFINISHED BUSINESS

Bill No: SB 361
Author: Becker (D)
Amended: 8/26/25 in Assembly
Vote: 21

SENATE JUDICIARY COMMITTEE: 13-0, 4/1/25
AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 37-0, 4/24/25 (Consent)
AYES: Allen, Alvarado-Gil, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Archuleta, Reyes, Rubio

ASSEMBLY FLOOR: 72-0, 9/10/25 – Roll call not available.

SUBJECT: Data brokers: data collection and deletion

SOURCE: Oakland Privacy

DIGEST: This bill expands the disclosures that data brokers must make when registering with California's Data Broker Registry.

Assembly Amendments of 8/26/25 add additional information to be shared by data brokers, restrict certain information from being made publicly available, and provide clarifying amendments.

ANALYSIS:

Existing law:

1) Requires a business, on or before January 31 following each year in which it meets the definition of a data broker, to register with the Privacy Protection Agency (PPA), as provided. (Civil (Civ.) Code § 1798.99.82.)

2) Defines "data broker" as a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship. The definition specifically excludes the following:

   a) An entity to the extent that it is covered by the federal Fair Credit Reporting Act (15 United States Code (U.S.C.) § 1681 et seq.);
   b) An entity to the extent that it is covered by the Gramm-Leach-Bliley Act (Public Law 106-102) and implementing regulations;
   c) An entity to the extent that it is covered by the Insurance Information and Privacy Protection Act, Insurance Code § 1791 et seq. (Civ. Code § 1798.99.80.)

3) Aligns the definitions of "business," "personal information," "sale," "collect," "consumer," and "third party" with those in the California Consumer Privacy Act (CCPA). (Civ. Code § 1798.99.80.)

4) Requires data brokers to provide, and the PPA to include on its website, the name of the data broker and its primary physical, email, and website addresses as well as various other disclosures, including whether the broker collects consumers' precise geolocation or reproductive health care data and whether they collect the personal information of minors. Data brokers may, at their discretion, also provide additional information concerning their data collection practices. (Civ. Code §§ 1798.99.82, 1798.99.84.)

5) Subjects a data broker that fails to register as required to administrative fines and costs to be recovered in an administrative action brought by the PPA. (Civ. Code § 1798.99.82.)

6) Requires the PPA to establish an accessible deletion mechanism, as provided, that allows consumers, through a single request, to request all data brokers to delete any personal information related to the consumer, as specified. Data brokers are required to regularly access the mechanism and process requests for deletion, as specified. (Civ. Code § 1798.99.86.)

7) Provides that after a consumer has submitted a deletion request and a data broker has deleted the consumer's data pursuant hereto, the data broker must delete all personal information of the consumer, except as provided, beginning

August 1, 2026. After a consumer has submitted a deletion request and a data broker has deleted the consumer's data, the data broker shall not sell or share new personal information of the consumer unless the consumer requests otherwise or the selling or sharing of the information is otherwise permitted, as provided. Requires data brokers to undergo audits every three years to determine compliance with the data broker registry law. (Civ. Code § 1798.99.86.)

8) Establishes the CCPA, which grants consumers certain rights with regard to their personal information, including enhanced notice, access, and disclosure; the right to deletion; the right to restrict the sale of information; and protection from discrimination for exercising these rights. It places attendant obligations on businesses to respect those rights. (Civ. Code § 1798.100 et seq.)

9) Establishes the California Privacy Rights Act of 2020 (CPRA), which amends the CCPA and creates the PPA, which is charged with implementing these privacy laws, promulgating regulations, and carrying out enforcement actions. (Civ. Code § 798.100 et seq.; Proposition 24 (2020).)

10) Provides consumers the right to request that a business delete any personal information about the consumer which the business has collected from the consumer. (Civ. Code § 1798.105(a).)

11) Requires a business that collects a consumer's personal information to, at or before the point of collection, inform consumers of the following:

    a) The categories of personal information to be collected and the purposes for which the categories of personal information are collected or used and whether that information is sold or shared. A business shall not collect additional categories of personal information or use personal information collected for additional purposes that are incompatible with the disclosed purpose for which the personal information was collected without providing the consumer with notice consistent with this section;
    b) If the business collects sensitive personal information, the categories of sensitive personal information to be collected and the purposes for which the categories of sensitive personal information are collected or used, and whether that information is sold or shared. A business shall not collect additional categories of sensitive personal information or use sensitive personal information collected for additional purposes that are incompatible with the disclosed purpose for which the sensitive personal

information was collected without providing the consumer with notice consistent with this section;

c) The length of time the business intends to retain each category of personal information, including sensitive personal information, or if that is not possible, the criteria used to determine that period provided that a business shall not retain a consumer's personal information or sensitive personal information for each disclosed purpose for which the personal information was collected for longer than is reasonably necessary for that disclosed purpose. (Civ. Code § 1798.100(a).)

12) Grants a consumer the right to request that a business that collects personal information about the consumer disclose to the consumer the following:

a) The categories of personal information it has collected about that consumer;
b) The categories of sources from which the personal information is collected;
c) The business or commercial purpose for collecting, selling, or sharing personal information;
d) The categories of third parties with whom the business shares personal information;
e) The specific pieces of personal information it has collected about that consumer. (Civ. Code § 1798.110.)

13) Provides consumers the right to request that a business that sells or shares the consumer's personal information, or that discloses it for a business purpose, disclose to the consumer specified information, including the categories of personal information collected, shared, sold, and disclosed and the categories of third parties receiving the information. (Civ. Code § 1798.115.)

14) 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, as specified, that this information may be sold or shared and that consumers have the right to opt out of the sale or sharing of their personal information. (Civ. Code § 1798.120.)

15) Provides that these provisions do not restrict a business' ability to collect, use, retain, sell, share, or disclose consumers' personal information that is de-identified or aggregate consumer information. (Civ. Code § 1798.145(a)(6).)

16) 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 biometric information, geolocation data, and "sensitive personal information." It does not include publicly available information or lawfully obtained, truthful information that is a matter of public concern. (Civ. Code § 1798.140(v).)

17) Extends additional protections to "sensitive personal information," which is defined as personal information that reveals particularly sensitive information such as genetic data and the processing of biometric information for the purpose of uniquely identifying a consumer. (Civ. Code § 1798.140(ae).)

18) Provides various exemptions from the obligations imposed by the CCPA, including where they would restrict a business' ability to comply with federal, state, or local laws. (Civ. Code § 1798.145.)

19) 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. (Proposition 24 § 25 (2020).)

This bill:

1) Requires data brokers registering with the CPPA to indicate whether they collect certain types of information on consumers and the most common types of personal information collected, as provided.

2) Restricts specified information provided by data brokers from being made publicly accessible on the PPA website.

3) Makes clarifying changes.

4) Provides that the Legislature finds and declares that this act advances the purposes and intent of the California Privacy Rights Act of 2020 by strengthening the constitutional right to privacy and safeguarding consumers' rights. To achieve this, the act expands disclosure requirements for data brokers, thereby enhancing transparency for consumers.

Background

Companies regularly and systematically collect, analyze, share, and sell the personal information of consumers. While this data collection provides consumers various benefits, public fears about the widespread, unregulated amassing of personal information have only grown since privacy was made a part of California's Constitution. One particularly troubling area of this systematic data collection is the emergence of data brokers that collect and profit from this data without having any direct relationship with the consumers whose information they amass.

In order to bring this industry into the light and more fully inform consumers about who is collecting their personal information and how, California established a data broker registry, requiring data brokers to register annually with the Attorney General. Data brokers are required to pay a fee and provide certain information about their location, email, and website addresses. Recent updates have bolstered the law to provide consumers more control over their information, by, in part, requiring more information to be reported, including an annual report from data brokers on their compliance with CCPA requests, increasing penalties for violations, and transferring much of the relevant duties from the Attorney General to the PPA. It also expanded consumers' deletion rights and requires the PPA to create an accessible deletion mechanism. This bill again fortifies the law by requiring additional disclosures from data brokers on the types of information collected. This bill is sponsored by Oakland Privacy and supported by a number of organizations. No timely opposition has been received.

Comment

According to the author:

> Californians have a right to know who is collecting their most sensitive personal information. SB 361 increases transparency in the data broker industry, helping people protect their privacy.
>
> There are serious concerns that data brokers are selling sensitive information in ways that could lead to surveillance and targeting of vulnerable communities, including immigrants, and LGBTQ+ individuals. The risks of mass deportation, discrimination, and other harmful outcomes are real, and we must act to protect people's privacy.

Building on the California Delete Act, which was passed in 2023, SB 361 requires data brokers to disclose whether they collect sensitive information like government IDs, union membership, and sexual orientation. The California Privacy Protection Agency (CPPA) will publish this information, empowering Californians to make informed decisions about their privacy and will soon have the ability with the click of a single link to delete their personal data and prevent it from being sold.

California has long been a leader in privacy protections, and SB 361 ensures that individuals—not data brokers—remain in control of their personal information.

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

SUPPORT: (Verified 9/10/25)

Oakland Privacy (source)
California Federation of Labor Unions, AFL-CIO
California Privacy Protection Agency
Consumer Federation of California
Consumer Reports
Electronic Privacy Information Center
Privacy Rights Clearinghouse
Puente de la Costa Sur
Secure Justice

OPPOSITION: (Verified 9/10/25)

None received

ARGUMENTS IN SUPPORT: Oakland Privacy writes:

While Californians generally have concerns about third party selling of any of their personal information, when the information is highly sensitive those concerns are, most reasonably, greatly increased. It is also fair to say that recent developments on the federal side have amplified those concerns as Californians have watched federal databases containing some highly personal data about them be breached by unauthorized personnel for unclear purposes.

The premise of SB 361 is that Californians have a right to know which companies have obtained and are prepared to sell their highly sensitive information and to be able to distinguish those particular data brokers from those who are distributing less sensitive information. We absolutely agree that both consumers and regulators should have access to this information, and most importantly, that gaining that access should not be a burdensome process for consumers.

Prepared by: Christian Kurpiewski / JUD. / (916) 651-4113
9/10/25 15:06:16

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