Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Buffy Wicks, Chair
SB 435 (Wahab) – As Amended June 9, 2026

Policy Committee:	Privacy and Consumer Protection	Vote:	7 - 5
	Privacy and Consumer Protection		9 - 6

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill narrows the definition of "publicly available" information that the California Consumer Privacy Act (CCPA) excludes from "personal information," thereby extending CCPA protections to a broader range of consumer information.

FISCAL EFFECT:

1) Minor and absorbable costs to the California Privacy Protection Agency to implement and enforce the CCPA in light of the broadened scope of "personal information" (General Fund). This bill makes a definitional change and does not, by its terms, require the agency to adopt new regulations. Based on overall compliance with the requirements of the measure, CCPA anticipates enforcement may require additional resources, potentially in excess of this committee's $150,000 suspense threshold.

2) Costs of an unknown amount, likely minor, to the Department of Justice for any enforcement actions arising under the broadened definition (General Fund). Actual costs will depend on whether the Attorney General pursues enforcement actions, and, if so, the level of additional staffing DOJ needs to handle the related workload. If DOJ does not pursue enforcement as authorized by this bill, the department would likely not incur any costs.

COMMENTS:

1) **Purpose**. According to the author:

> Senate Bill 435 addresses the loopholes in the CCPA by amending the definition of "publicly available information," which will enhance consumer privacy and security while establishing clearer boundaries regarding what, when, and how information is considered publicly available.

2) **Background**. The Legislature enacted the CCPA in 2018 (AB 375 (Chau), Chapter 55, Statutes of 2018), giving consumers rights to know what personal information businesses collect, to request deletion, and to opt out of the sale of their information. As originally enacted, the CCPA defined "publicly available" narrowly — information lawfully made available from federal, state, or local government records. AB 874 (Irwin), Chapter 874, Statutes of 2019, refined that language the following year but kept the exception anchored to government records.

The California Privacy Rights Act (CPRA, Proposition 24), which the voters approved in 2020, broadened the exception. In addition to government-records information, the CPRA carved out two new categories: information a business has a reasonable basis to believe is lawfully made available to the general public by the consumer or from widely distributed media, and information made available by a person to whom the consumer disclosed the information if the consumer did not restrict the audience. The CPRA also extended the publicly-available exception to the new category of "sensitive personal information."

This bill removes the "reasonable basis to believe" qualifier from the first added category and deletes the second category entirely, returning the definition closer to the government-records-anchored formulation that existed under AB 874 before the CPRA's 2020 expansion. The CPRA established the CCPA as a floor rather than a ceiling, so the Legislature may amend the act by majority vote only if the amendment is consistent with and furthers the CCPA's purpose of protecting consumer privacy — a standard at the center of the competing arguments below.

3) **Support and Opposition**. Consumer Reports, the Privacy Rights Clearinghouse, Oakland Privacy, and a range of civil society organizations support the bill, arguing the current definition lets data brokers overclassify sensitive information as publicly available and sell it, including to government agencies, and that the change restores meaningful opt-out and deletion rights. A coalition of business associations, including the California Chamber of Commerce, the Consumer Data Industry Association, and TechNet, opposes the bill. The coalition argues the change replaces the CCPA's objective reasonable-belief standard with a de facto strict-liability regime turning on facts outside a business's knowledge, disrupts established compliance frameworks, and burdens access to lawfully public information in tension with the First Amendment and the California Public Records Act. The coalition further contends the bill upends the voter-approved balance struck in Proposition 24.

Analysis Prepared by: Shiran Zohar / APPR. / (916) 319-2081