



ACCURACY OF DATA BROKER REGISTRATION INFORMATION

SUMMARY

- Data brokers must provide only true and correct information in their annual registration, including what types of information they collected and where they shared data over the past year.
- Failure to provide true and correct information violates the law, triggering a \$200 fine for each day the incorrect information appears in the registry.
- Californians should be able to rely on data brokers' disclosures so they can make informed decisions about when and where to exercise their privacy rights.

ENFORCEMENT OBSERVATIONS

Data brokers operate in a billion-dollar industry collecting and selling consumers' personal information. Lacking a direct relationship, consumers do not necessarily know who these data brokers are. CalPrivacy's Data Broker Registry helps to fill this gap by giving consumers visibility into the industry.

Within the data broker ecosystem, personal information can include data about our reproductive health, citizenship, sexual orientation and gender identity, union membership, precise geolocation, and biometrics. It can include our Social Security numbers, drivers' license numbers, date of birth, home address, and more. This information can find its way to federal and state governments, foreign actors, developers of GenAI models, and elsewhere.

CalPrivacy's Data Broker Registry gives consumers visibility into **who** is brokering their personal information. The registry also gives consumers visibility into certain **types of information** the data brokers collected about them and **where** data went over the past year. Knowing this information empowers consumers to exercise their privacy rights, including by submitting deletion requests through the Delete Request and Opt-out Platform ("DROP").

The Enforcement Division has observed data brokers failing to provide true and correct information in their registrations. The Delete Act does not distinguish unintentional mistakes from intentional misrepresentation: both result in incorrect information.



WHAT THE LAW AND REGULATIONS SAY ABOUT PROVIDING TRUE AND CORRECT INFORMATION IN DATA BROKER REGISTRATIONS

The Delete Act requires businesses that operated as data brokers in the prior year to register with the Agency by January 31 each year, pay a registration fee, and disclose certain information. See Civ. Code § 1798.99.82 and 11 CCR § 7603. As of January 2026, data brokers must also establish a DROP account for purposes of processing deletion requests submitted by consumers through the accessible deletion mechanism. See Civ. Code § 1798.99.86 and 11 CCR § 7610.

The registry gives Californians visibility into the data collection and distribution practices of each data broker. For example, to register, the law requires data brokers to provide certain metrics, see Civ. Code § 1798.99.82(b)(2)(B) (referencing *id.* § 1798.99.85(a)(1)-(2)), as well as information about the data they collected and whether they shared data in the past year with certain categories of entities, see *id.* § 1798.99.82(b)(2). This includes, but is not limited to:

Types of Information

- personal information of minors
- consumer names, dates of birth, ZIP codes, email addresses, or phone numbers
- citizenship data, including immigration status
- union membership
- sexual orientation
- gender identity and gender expression
- biometric data
- precise geolocation, and/or
- reproductive health data

To Whom Shared or Sold

- the federal government
- a state government
- a foreign actor (i.e., China, Iran, North Korea, and Russia as defined in Civ. Code § 1798.99.82(f)(1))
- law enforcement, and/or
- developers of GenAI systems or models (as defined in Civ. Code § 1798.99.82(f)(2))

Data brokers must provide “only true and correct responses when submitting the registration information required by Civil Code section 1798.99.82 and this Chapter.” 11 CCR § 7603(a).



Failure to provide true and correct information comes with consequences. Data brokers are liable for an administrative fine of \$200 “for each day the data broker fails to register **as required by this section.**” Civ. Code § 1798.99.82(c) (emphasis added). The Enforcement Division has brought multiple enforcement actions over reporting errors, underscoring the importance of providing only correct information to the registry.

FACTUAL SCENARIOS

Businesses engaging in data broker activity should carefully review the registration requirements to ensure they provide true and correct information by each year’s deadline.

Scenario One

Business A sells business generation “leads” to retailers. To sell these leads last year, Business A maintained a database with information it collected about consumers, including name and contact information such as home addresses, phone numbers, and email addresses. Business A operated as a data broker in the prior year and is required to register in California under the Delete Act.

What questions should Business A ask itself as it completes its data broker registration form?

- What types of personal information did Business A collect in the prior year?
- Does Business A need to disclose any of these types of personal information on its registration form, consistent with the requirements of Civ. Code § 1798.99.82(b)(2)?
- Are any of Business A’s clients the types of company, entity, or organization that must be disclosed on its registration form, consistent with the requirements of Civ. Code § 1798.99.82(b)(2)?

Scenario Two

Later in the prior year, Business A expanded its customers to include foreign government tourism bureaus in Europe and Asia. The tourism bureaus sought to promote travel to their country by contacting consumers. To reach this market, Business A added new types of information to its database such as whether consumers use certain types of identification (driver’s license or state ID card and issuing state), whether they have a passport and the issuing country, and whether they have Social Security numbers.



What questions should Business A ask itself about its registration form?

- Are these types of personal information different from the ones Business A planned to disclose?
- If so, does Business A need to disclose any of these types of information, consistent with the requirements of Civ. Code § 1798.99.82(b)(2)?
- Are any of Business A's new clients the types of company, entity, or organization that must be disclosed, consistent with the requirements of Civ. Code § 1798.99.82(b)(2)? For example, do any of these entities qualify as a "foreign actor"?

Scenario Three

Business B controls a tracking cookie used on a variety of third-party websites, as well as a software development kit (SDK) used in various third-party mobile applications. Business B's SDK gathered information about consumers' locations and mapped the information to stores or other organizations within 500 feet. These stores and organizations purchased lists of consumer names and contact information from Business B to target consumers who have been near their locations. Business B operated as a data broker in the prior year and is required to register in California under the Delete Act.

Business C, a startup working on "designing the fastest chatbot on the market," purchased information from Business B to use in connection with a retail-facing tool it is developing.

What questions should Business B ask itself as it completes its data broker registration form?

- What categories of personal information did Business B collect in the prior year?
- Does Business B need to disclose any of these categories of information, consistent with the requirements of Civ. Code § 1798.99.82(b)(2)?
- Are any of Business B's clients the types of company, entity or organization that must be disclosed, consistent with the requirements of Civ. Code § 1798.99.82(b)(2)? For example, does Business C qualify as a "developer of a GenAI system or model"?



Scenario Four

Business B has operated as a data broker for the past three years. Over that time, consumers submitted rights requests to Business B under the CCPA.

What questions should Business B ask itself about metrics related to these requests?

- Did Business B submit the required metrics as part of the data broker registration process consistent with Civ. Code § 1798.99.82(b)(2)(B)?
- Did Business B disclose metrics to consumers in its privacy policy consistent with Civ. Code § 1798.99.85(a)(3)?
- Did Business B disclose these metrics correctly?

ENFORCEMENT ADVISORIES GENERALLY

Enforcement Advisories address select provisions of the California Consumer Privacy Act, the Delete Act, and their implementing regulations. Advisories do not cover all potentially applicable laws or enforcement circumstances; the Enforcement Division will make case-by-case enforcement determinations. Advisories do not implement, interpret, or make specific the law enforced or administered by the California Privacy Protection Agency, establish substantive policy or rights, constitute legal advice, or reflect the views of the Agency's Board.

Advisories do not provide any options for alternative relief or safe harbor from potential violations. The statutes and regulations control in the event of any conflicting interpretation. The Advisory provides the questions that follow as hypothetical examples of how a business might review its practices. Businesses should consult the statute, regulation, and/or an attorney before taking any action to ensure compliance with the law.

ISSUED BY

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September 3, 2026