

Business Takeaways Following CCPA Enforcement Actions

By **Lindsey Tonsager, Jayne Ponder and Natalie Maas** (July 18, 2025, 3:39 PM EDT)

Recent enforcement activity and advisories can provide businesses subject to the California Consumer Privacy Act with important lessons for consumer rights requests.

In 2024, the California Privacy Protection Agency issued an enforcement advisory on data minimization in facilitating consumer rights requests.[1]

Building off this enforcement advisory, the agency brought two enforcement actions this year with similar allegations against American Honda Motor Co. Inc. in March[2] and Todd Snyder Inc. in May,[3] both of which resulted in fines.

While the agency's activities provide takeaways and a view into enforcement priorities, they also create some ambiguity for businesses navigating what personal information can be collected and in what contexts for consumer rights requests. These activities also complicate attempts to streamline operations for responding to consumer rights requests.

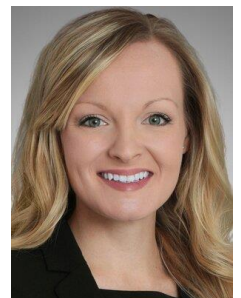
As discussed further below, the enforcement actions and enforcement advisory suggest that a business subject to the CCPA should consider:

- Limiting categories of personal information requested for an opt-out of sale or sharing request to that required to honor the request;
- Ensuring the collection of personal information to verify access, deletion and correction requests considers both the nature of the request and the personal information maintained by the business about the consumer;
- Analyzing webforms and consumer rights interfaces for so-called dark patterns; and
- Providing oversight of vendors used to address consumer rights.

Notably, the agency's informal guidance is not legally binding, and none of the enforcement actions have been litigated.



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Collect only the personal information required to honor an opt-out of sale or sharing requests.

A business subject to the CCPA should limit the collection of personal information for an opt-out of sale or sharing request to that required to honor — not verify or authenticate — the request. The CCPA regulations make clear that a business cannot require a consumer to verify their identity to make a request to opt-out of sale or sharing.[4]

Although a business may ask the consumer for information necessary to complete the request, such requests cannot be "burdensome." [5] The enforcement advisory provides further guidance for a business to consider — presumably interpreting what types of personal information would be necessary or burdensome.[6]

Specifically, the enforcement advisory recommends that a business request the minimum amount of personal information necessary to honor a request to opt out of sale or sharing and consider whether it maintains other personal information that can be used to complete the request.[7] Both the Honda and Todd Snyder enforcement actions illustrate this dynamic.

For example, in Honda, the agency explains that "[a]t most, businesses may ask Consumers for information necessary to complete the request, such as information necessary to identify the Consumer within their systems, but they may not ask Consumers for more information than necessary." [8]

Accordingly, these materials suggest that a business may request any personal information required to honor the opt-out of sale or sharing request (e.g., information necessary to identify the consumer in the business's systems), but may not request the amount or type of personal information needed to verify the consumer's identity.

Notably, neither the enforcement actions nor the enforcement advisory limit the statute's exemption that a business is not required to reidentify or otherwise link information that, in the ordinary course of business, is not maintained in a manner that would be considered personal information.[9]

The enforcement actions illustrate what the agency might view as burdensome to the consumer's opt-out request. In Todd Snyder, the agency criticized the collection of a photo and an identification card, which "applied a verification standard to requests to opt-out of sale/sharing." [10]

Additionally, the agency alleged that Honda's webform unlawfully required consumers to provide several data fields for an opt-out of sale or sharing request, including name, address, city, state and ZIP code.[11] The agency explained in Honda that "[r]equiring verification for the processing of a Request to Opt-Out of Sale/Sharing ... interferes with the Consumer's ability to exercise those rights." [12]

Both of these examples provide additional views as to what the agency might view as burdensome to the consumer's opt-out right.

In practice, this could create a challenging dynamic for a business seeking to adopt a streamlined compliance approach across all consumer rights requests. The agency stated that "[b]y using the same Data Request Form for all types of CCPA Requests, with no difference in the information required to process them," Todd Snyder violated the law by requesting more information than permitted for an opt-out request.[13]

Where a business is constrained in its collection of personal information for some types of requests and

is required to collect personal information for others, this frustrates a business's ability to provide a single webform that addresses opt-out requests unless the webform is dynamic or reflects different required elements for different types of requests. Accordingly, a business could consider providing separate processes for different types of requests or ensuring that the forms dynamically request different types of personal information depending on the request.

Consider the number and type of personal information requested to verify for access, deletion and correction requests.

Although a business should limit the collection of personal information to that necessary to verify the consumer's identity for an access, deletion or correction request, the CCPA regulations require the business to collect a certain amount of information, in part to minimize the risk of unauthorized access or loss.

Specifically, for accounts that aren't protected by passwords, the CCPA has different verification standards that reflect the nature of the request and data sought. For example, a request to know specific pieces of personal information must be verified with a "reasonably high degree of certainty," which the CCPA regulations explain requires matching at least three pieces of personal information provided by the consumer.[14]

In contrast, a request to know categories of personal information must be verified to a "reasonable degree of certainty" — that is, two data fields provided by the consumer.[15]

Notwithstanding the CCPA regulations' clear directive that personal information collection is necessary to verify the consumer, the Honda and Todd Snyder enforcement actions caution against collecting too much personal information to process a request. As a result, a business could find itself in the position of asking — how much is too much?

Both enforcement actions and the enforcement advisory suggest that a business can strike the appropriate balance by considering the appropriate number of data fields requested and the nature of the data maintained by the business.

Number of Data Fields Requested

A business should ensure that the specific data fields sought match the nature of the request. In the Honda enforcement action, the agency took a highly granular view of the number of data categories sought — for example, counting first and last name as two distinct data fields.[16]

The CPPA questioned whether Honda needed this number of personal information categories to identify the consumer within its database.[17] However, the agency did not address whether some number of data fields would be required to verify certain types of consumer rights requests.

Instead of differentiating based on the nature of the request, the agency broadly concluded that the webform requested more data fields than required to verify the consumer.[18] Accordingly, a business could review its procedures to verify access, deletion and correction requests to ensure that the number of data fields aligns to the CCPA regulations' requirements.

Nature of the Personal Information Requested

A business subject to the CCPA should also consider the nature and sensitivity of the personal information it maintains in designing its verification process. The enforcement advisory recommends that a business consider not only the type of personal information requested (i.e., whether there would be a match in the business's systems), but also the nature of the personal information being requested by the consumer (i.e., sensitive personal information maintained by the business).[19]

This suggests that more personal information could be appropriate to verify an access request that involves more sensitive personal information about the consumer. However, this case-by-case approach could make it more challenging for a business to implement streamlined and automated processes to respond to consumer rights requests.

Scrutinize webforms and request mechanisms for so-called dark patterns.

The CCPA regulations outline requirements for submitting consumer rights requests and obtaining consent, which were cited to in the Honda and Todd Snyder enforcement actions.[20] Specifically, the regulations state that choice is not symmetrical if it requires a consumer to take a longer, more difficult, or more time-consuming path to exercise a more privacy protective option as compared to a less privacy protective option.[21]

The agency alleged that Honda's consumer rights webform was unlawful because it required two clicks to opt out and one click ("Accept All") to opt in.[22] The agency requested Honda revise the options to include a "Reject All" and "Allow All" button.

Although the webform reflected how Honda's third-party vendor designed its user interface, the agency sought to hold Honda responsible for perceived flaws in its presentation. To mitigate legal risk, this enforcement action suggests that a business should consider exercising greater control over third-party vendors' offerings, particularly webforms and interfaces.

Provide oversight of consumer rights vendors.

The enforcement actions counsel a business to provide oversight of its consumer rights vendors, suggesting that the CCPA's data minimization principles require a business to implement contractual terms and oversight regarding its vendors.

Contractual Terms on Downstream Use

A business should confirm that downstream partners to which it discloses personal information are subject to contractual terms that minimize the use and retention of such personal information. The Honda enforcement action suggests that restrictions on data use would be required for data minimization.[23]

Oversight of Vendors Providing Consumer Rights Tools

A business subject to the CCPA should also consider how it can provide ongoing oversight of their vendors engaged to comply with the CCPA's consumer request requirements.

For example, Todd Snyder engaged a third-party privacy management tool that allegedly was not functioning correctly. The agency alleged that Todd Snyder "would have known that Consumers could not exercise their CCPA rights if the company had been monitoring its Website," but the business

"instead deferred to third-party privacy management tools without knowing their limitations or validating their operation." [24]

Even though Todd Snyder engaged technical experts to support its compliance, the CPPA alleged that it violated the law by not providing ongoing oversight. This could indicate the agency's view that ongoing oversight may be appropriate to identify and remediate issues.

Conclusion

The enforcement actions and enforcement advisory underscore the agency's enforcement interest in the intersection of data minimization and consumer rights and could make it more challenging for a business to provide a streamlined consumer rights process.

These enforcement actions and the enforcement advisory suggest that businesses should consider: limiting the collection of personal information for opt-out of sale or sharing requests; ensuring the collection of personal information to verify certain consumer requests considers the nature of the request and data maintained about the consumer; analyzing webforms and consumer rights interfaces for so-called dark patterns; and providing appropriate oversight of its vendors.

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[1] CPPA Enforcement Division, Enforcement Advisory No. 2024-01: Applying Data Minimization to Consumer Requests, <https://cppa.ca.gov/pdf/enfadvisory202401.pdf>.

[2] Board Order of Decision, In re American Honda Motor Co., Inc., No. ENF23-V-HO-2 (CPPA, Mar. 7, 2025), https://cppa.ca.gov/regulations/pdf/20250307_hmc_order.pdf.

[3] Board Order of Decision, In re Todd Snyder, Inc., No. ENF23-M-TO-26 (CPPA, May 1, 2025), https://cppa.ca.gov/pdf/20250501_snyder_order.pdf.

[4] Cal. Code Regs. tit. 11, § 7060(b).

[5] Id.

[6] CPPA Enforcement Division, Enforcement Advisory No. 2024-01: Applying Data Minimization to Consumer Requests, <https://cppa.ca.gov/pdf/enfadvisory202401.pdf> (quoting Cal. Code Regs. tit. 11, § 7060(b)).

[7] CPPA Enforcement Division, Enforcement Advisory No. 2024-01: Applying Data Minimization to

Consumer Requests, <https://cppa.ca.gov/pdf/enf advisory202401.pdf>.

[8] Board Order of Decision, In re American Honda Motor Co., Inc., No. ENF23-V-HO-2 (CPPA, Mar. 7, 2025), https://cppa.ca.gov/regulations/pdf/20250307_hmc_order.pdf (emphasis added).

[9] Cal. Civ. Code § 1798.145(j).

[10] Board Order of Decision, In re Todd Snyder, Inc., No. ENF23-M-TO-26 (CPPA, May 1, 2025), https://cppa.ca.gov/pdf/20250501_snyder_order.pdf.

[11] Board Order of Decision, In re American Honda Motor Co., Inc., No. ENF23-V-HO-2 (CPPA, Mar. 7, 2025), https://cppa.ca.gov/regulations/pdf/20250307_hmc_order.pdf.

[12] Id.

[13] Board Order of Decision, In re Todd Snyder, Inc., No. ENF23-M-TO-26 (CPPA, May 1, 2025), https://cppa.ca.gov/pdf/20250501_snyder_order.pdf.

[14] Cal. Code Regs. tit. 11, § 7062(c).

[15] Id. § 7062(b).

[16] Board Order of Decision, In re American Honda Motor Co., Inc., No. ENF23-V-HO-2 (CPPA, Mar. 7, 2025), https://cppa.ca.gov/regulations/pdf/20250307_hmc_order.pdf.

[17] Id.

[18] Id.

[19] CPPA Enforcement Division, Enforcement Advisory No. 2024-01: Applying Data Minimization to Consumer Requests, <https://cppa.ca.gov/pdf/enf advisory202401.pdf>.

[20] Cal. Code Regs. tit. 11, § 7004.

[21] Id. § 7004(a)(2)(A).

[22] Board Order of Decision, In re American Honda Motor Co., Inc., No. ENF23-V-HO-2 (CPPA, Mar. 7, 2025), https://cppa.ca.gov/regulations/pdf/20250307_hmc_order.pdf.

[23] Id.

[24] Board Order of Decision, In re Todd Snyder, Inc., No. ENF23-M-TO-26 (CPPA, May 1, 2025), https://cppa.ca.gov/pdf/20250501_snyder_order.pdf.