Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR’s Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR’s website does not indicate CalHR support for the proposal.

### A. GENERAL INFORMATION

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<th>1. Date</th>
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<td>January 27, 2022</td>
<td>California Privacy Protection Agency</td>
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3. Organizational Placement (Division/Branch/Office Name)

Policy Division

4. CEA Position Title

Deputy Director of Policy and Legislation

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The California Privacy Rights Act of 2020 (CPRA) charges the California Privacy Protection Agency (CPPA) with protecting Californians’ privacy rights. The CPPA’s responsibilities include: 1) rulemaking in a highly complicated, technical, sometimes contested, and nuanced area; 2) supporting awareness across California’s diverse population on issues related to privacy and data security, including the new rights provided to them by the law; and 3) preparing for meaningful administrative enforcement of those rights. Under administrative direction of the Deputy Executive Director, the Deputy Director of Policy and Legislation (DDPL) will be responsible for the CPPA Policy and Legislative programs which includes: identification of legislation of interest to the Agency; analyzing proposed and pending legislation; and planning, organizing and directing the Agency’s legislation program.

6. Reports to: (Class Title/Level)

Deputy Executive Director

7. Relationship with Department Director (Select one)

- ✔ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.

- □ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- □ 1st
- ✔ 2nd
- □ 3rd
- □ 4th
- □ 5th (mega departments only - 17,001+ allocated positions)
B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the administrative direction of the Deputy Executive Director, the Deputy Director of Policy and Legislation (DDPL) will perform the most complex and sensitive assignments related to the Agency’s legislative and policy. The DDPL will function as the lead advisor to the Executive Director and Deputy Executive Director on all proposed legislative and regulatory matters relating to the CPRA. The DDPL will oversee the Policy and Legislative Division and will be responsible for overseeing legislative and policy analysis and liaising with the Legislature on policy matters. The DDPL will monitor and anticipate relevant political and policy developments impacting the Agency and develop strategies and recommendations in response. The DPDL will represent the Agency as needed in meetings and policy engagements with local officials, legislators, and key stakeholders including to “cooperate with other agencies with jurisdiction over privacy laws and with data processing authorities in California, other states, territories, and countries to ensure consistent application of privacy protections.” as required under Civil Code § 1798.199.40(g). Members of the Policy and Legislative Division will attend legislative hearings and represent the Agency as needed. This team will track, analyze, and develop bill analyses on the behalf of the Agency. They will provide technical assistance to legislative offices and bill sponsors regarding legislation, interact with authors of bills that impact the Agency, and monitor daily file for floor actions and scheduled events.
B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The CPPA is vested with the full administrative power, authority and jurisdiction to implement and enforce the California Privacy Rights Act of 2020 (CPRA). Additionally, the CPPA requires the agency to "provide technical assistance and advice to the Legislature, upon request, with respect to privacy related legislation." 1798.199.40(g) In order to achieve its mission it must have a well-run and maintained administration and a culture of excellence.

The DDPL will do the following: advise, assist, and formulate legislative proposals and projects; act as liaison between the Legislature and the Agency; keep management informed on legislation of interest to the Agency; and will advocate the agency's position on legislation. The DDPL will also direct legislative affairs of the Agency and be responsible for formal bill analysis. This position will further arrange and coordinate input and written analysis of pending legislation and will prepare sensitive/complex written reports to the legislative offices, industry representatives, and other interested parties on a variety of legislative matters affecting the Agency.

The DDPL will perform the coordination and preparation of document packages for regulatory submissions from all areas of the Agency and will also: recommend changes for regulatory compliance, monitor and improve tracking/control systems and maintain regulatory files; and will keep abreast of regulatory procedures and changes as well as interact with regulatory agencies on defined matters. The DDPL will also interact with the public, industry members, and legislators.

Further, it will be the job of the DDPL to meet with and educate constituents about legislative changes.
11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The CPPA is a newly established agency created by the California Privacy Rights Act of 2020 (CPRA). The CPRA directs the CPPA to "promote public awareness and understanding of the risks, rules, responsibilities, safeguards, and rights in relation to the collection, use, sale and disclosure of personal information, including the rights of minors with respect to their own information, and provide a public report summarizing the risk assessments filed with the Agency." Additionally, 1798.199.40(g) states that CPPA will “Provide technical assistance and advice to the Legislature, upon request, with respect to privacy-related legislation.”

The Policy and Legislation Division (PLD) is essential in ensuring support of CPPA by providing legislative and policy analysis and liaising with the Legislature on policy matters. The DDPL will also serve an essential role in establishing the Policy and Legislative Division as well as guaranteeing the continued success of CPPA.
C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

As a key member of the CPPA's executive management team, the DDPL has a significant role in the development, implementation, and evaluation of the CPPA's policies, procedures, and program direction pertaining to the CPPA's overall mission. The Agency is responsible for the administrative implementation and enforcement of the nation’s first comprehensive consumer privacy law. The CPRA directs the Agency to fulfill a wide variety of responsibilities involving complex and constantly changing business, social, and technological issues. (Civil Code, § 1798.199.140(a)-(k).) Specifics include, but are not limited to:

- (g) Provide technical assistance and advice to the Legislature, upon request, with respect to privacy-related legislation.
- (i) Cooperate with other agencies with jurisdiction over privacy laws and with data processing authorities in California, other states, territories, and countries to ensure consistent application of privacy protections.

Monitor daily file for floor actions and scheduled events with respect to privacy-related legislation.

Ensure that all new legislation relating to the Agency has been properly reviewed, analyzed, and tracked; and that it aligns with the mission of the Agency.

Bring forth Agency priorities in the rulemaking process.

The DDPL will function as the policy advisor on policy matters including:
- The Agency’s policies in response to emerging public debates on hotly contested topics such as the regulation of privacy, automated decision making, and data security. This will include an assessment of the discourse to develop the agencies overall approach and response.

The DDPA will also oversee the overall agency strategic approach to fulfilling its outreach, engagement, public, and business engagement needs. This will require development of the overall policy for how to approach these needs, as well as the individual policy for the specific areas. For example, what issue areas and subjects the agency should first tackle, which are the important equities to consider, and how to most effectively engage those stakeholders.

The DDPA will also have to have a solid understanding of the subject matter areas in order to oversee the specific policies the agency recommends, including guidance to California consumers on how to operationalize their privacy rights.

Similarly, the DDPA will need a deep understanding of industry practices and needs in order to oversee the specific policies the agency recommends with regards to how California businesses should satisfy their obligations under the law.

Engaging in complex, time-sensitive rulemaking activities that require communication with California consumers, communities, and businesses in order to understand their needs.
C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The California Privacy Rights Act of 2020 (CPRA) charges the California Privacy Protection Agency (CPPA) with protecting Californians’ privacy rights.

The proposed position will provide critical subject matter expertise and direction; providing legislative and policy analysis including when the Legislature has requests for advice under § 1798.199.40(g). The DDPL will monitor and anticipate relevant political and policy developments in the state, nationally, and internationally, impacting the Agency and develop strategies and recommendations in response.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

Given that CPPA is a new agency, the DDPL will be developing policy and procedures for the entire agency. The DDPL will be accountable directly to the Deputy Executive Director and will lead the efforts to ensure policies and guidelines are compliant with existing Government Codes and Civil Service laws, rules, and regulations. Policy development and program implementation are essential to shape the future success of the CPPA.