



**PAUL**  

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**HASTINGS**

**CONSUMER AND DATA SUBJECT  
ACCESS REQUEST SUPPORT**

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## OVERVIEW

Data protection laws and regulations, including both the European Union’s General Data Protection Regulation (“GDPR”) and the California Consumer Privacy Act (“CCPA”), are focused on providing certain rights to individuals with respect to their personal information (“PI”). More recently, the California Privacy Rights Act (“CPRA”), which was passed on November 3, 2020, will significantly expand the control California residents have over PI.

Below is a chart that depicts where these laws are similar and where there are differences with regards to these rights (Note, while the CPRA does not become effective under January 1, 2023, many of its substantive provisions have a “lookback” to January 1, 2022. We have included appropriate references here so that businesses may begin to assess their current consumer and data subject access request practices):

	GDPR Requirement	CCPA Requirement Compared to GDPR	CCPA Requirement	CPRA Requirement (not effective until 1/1/2023)
<b>Right to Access</b>	Right to access EU-resident personal data processed	Narrower	Right to access California-resident PI collected in last 12 months, sold and transferred	No significant changes from CCPA
<b>Right to Portability</b>	Must export and import certain EU personal data in a user-friendly format	Narrower	All access requests must be exported in user-friendly format, but there is no import requirement	No significant changes from CCPA
<b>Right to Correction</b>	Right to correct errors in EU personal data processed	<b>Not Included</b>	<i>Not included in CCPA</i>	Right to request correction of PI
<b>Right to Stop Processing</b>	Right to withdraw consent/stop processing EU personal data	Narrower	Right to opt-out of selling PI only; must include opt-out link on website	Right to opt-out of the “sale” or “sharing” or PI  Right to opt-out of the use of sensitive PI
<b>Right to Stop Automated Decision-Making</b>	Right to require a human to make decisions that have a legal	<b>Not Included</b>	<i>Not included in CCPA</i>	<i>Not included in CPRA</i>

	<b>GDPR Requirement</b>	<b>CCPA Requirement Compared to GDPR</b>	<b>CCPA Requirement</b>	<b>CPRA Requirement (not effective until 1/1/2023)</b>
	effect on EU residents			
<b>Right to Stop Third-Party Transfer</b>	Right to withdraw consent from data transfers involving second purposes of special categories of data	Narrower	Right to opt-out of selling PI to third parties	No significant changes from CCPA
<b>Right to Erasure</b>	Right to erase EU personal data, under certain conditions	Comparable	Right to erase PI collected, under certain conditions	No significant changes from CCPA
<b>Right to Equal Services and Price</b>	At most, implicitly required	Broader	Right to non-discrimination for exercising rights	No significant changes from CCPA
<b>Private Right of Action Damages</b>	No minimum or maximum amount of damages	Narrower	Individual right of action only for breaches of certain categories of unencrypted PI. Minimum damages = \$100 Maximum damages = \$750 per CA consumer	Expands right by authorizing consumers to bring lawsuits arising from data breaches involving additional categories of PI

## OUR SERVICES

Our Privacy and Cybersecurity Solutions Group operates under our Global Privacy and Cybersecurity Practice Group and is a unique blend of legal expertise and consultants that operate under the umbrella of the law firm. This provides two important benefits to the compliance services that we provide to clients: 1) Our work can be delivered under attorney-client privilege; and 2) Our recommendations have the weight and support of a respected, established, global law firm where we have reach-back capabilities to attorneys who have deep experience in U.S. and international legal issues in the areas of privacy and cybersecurity. Furthermore, as a leading law firm in the U.S., we have provided advice and support to hundreds of companies across all market sectors.

We can provide support in the following areas as they relate to consumer and data subject access requests:

- **Data Identification and Categorization.** The Solutions Group has worked with clients to identify and categorize personal information stored throughout a company's databases. In order to facilitate responding to access and deletion requests from consumers and data subjects, we have coordinated with in-house counsel and information technology departments to create and apply an organizational schema, including data categorization, over all in-scope data storage locations to allow for an organized approach to gathering all data relevant to a request.
- **Data Mapping.** We are experienced at creating detailed data maps based on our clients' documents and data collection, storage, sharing, and destruction practices. When necessary, we also collaborate with experienced technical firms to support implementation and operationalization of data mapping tools.
- **Document Review and Development.** The Solutions Group creates processes and procedures for our clients to respond to consumer and data subject access and deletion requests. We routinely work with our clients to draft response templates and to implement guidance internally to ensure compliance with the legal and regulatory requirements imposed on companies.
- **Consumer and Data Subject Access Request Support.** The Solutions Group can also help monitor and respond to requests to ensure timely review and adjudication of each request. Dedicated support for the consumer and data subject requests from the Solutions Group covers all areas of the process, including:
  - reviewing and assessing the nature and validity of the consumer or data subject request;
  - applying lawful exemptions, if applicable; and
  - coordinating with client personnel to review and complete complex requests.
- **Technology Integration.** The Solutions Group has worked with multiple clients to integrate consumer and data subject request processes with work-flow technologies to enhance operational efficiency. As part of this process we have worked with outside vendors to tailor technology solutions to client specific step-by-step procedures, allowing for a standardized, repeatable, and scalable approach to managing consumer and data subject requests.

**OUR TEAM**



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## ABOUT PAUL HASTINGS

Paul Hastings provides innovative legal solutions to many of the world's top financial institutions and Fortune 500 companies in markets across Asia, Europe, Latin America, and the United States.

We offer a complete portfolio of services to support our clients' complex, often mission-critical needs—from structuring first-of-their-kind transactions to resolving complicated disputes to providing the savvy legal counsel that keeps business moving forward.

Since the firm's founding in 1951, Paul Hastings has grown steadily and strategically along with our clients and the markets we serve. We established successful practices in key U.S. and European cities, creating a broad network of professionals to support our clients' ambitions. In addition, we were one of the first U.S. law firms to establish a presence in Asia, and today we continue to be a leader in the region. Over the past decade, we have significantly expanded our global network of lawyers to assist our clients in financial centers around the world, including the emerging markets of Latin America.

Today, we serve our clients' local and international business needs from offices in Atlanta, Beijing, Brussels, Century City, Chicago, Frankfurt, Hong Kong, Houston, London, Los Angeles, New York, Orange County, Palo Alto, Paris, San Diego, San Francisco, São Paulo, Seoul, Shanghai, Tokyo, and Washington, D.C.

Drawing on the firm's dynamic, collaborative, and entrepreneurial culture, our lawyers work across practices, offices, and borders to provide innovative, seamless legal counsel—where and when our clients need us.

*Ranked among the Top 5 on the A-List of the most successful law firms in the U.S. six years in a row*

— *The American Lawyer*

*A top-ranked firm across Asia, Europe, and North America*

— *Financial Times' Innovative Lawyers Report*

*Named among the Top 5 Overall Best Law Firms to Work For four years in a row*

— *Vault's Annual Survey*

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**21 OFFICES** ACROSS THE AMERICAS, ASIA, AND EUROPE

**1 LEGAL TEAM** TO INTEGRATE WITH THE STRATEGIC GOALS OF YOUR BUSINESS

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Century City  
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