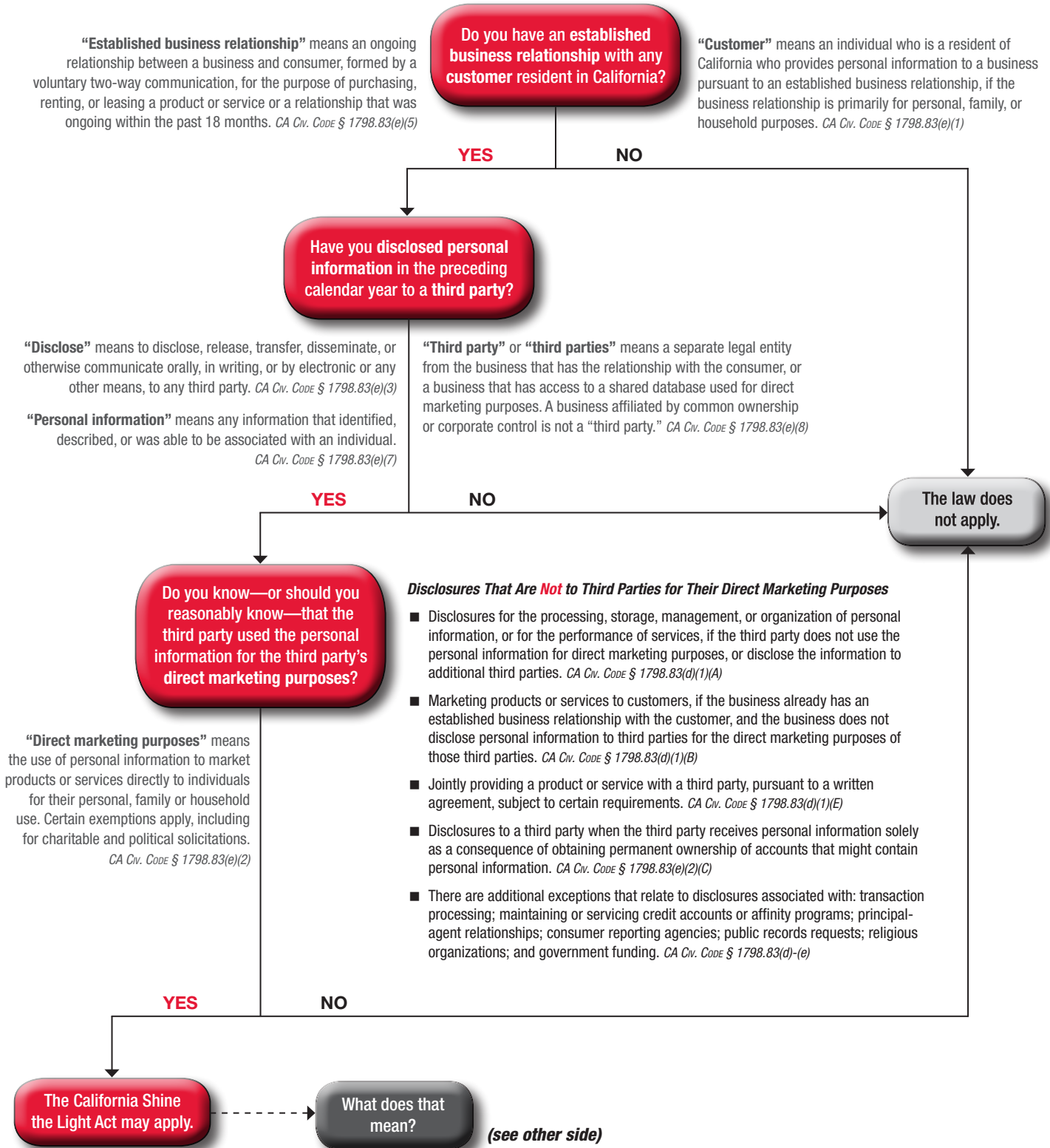


California Civil Code Section 1798.83, known as the **Shine the Light Act**, gives consumers the right to obtain an accounting of how, and to whom, their personal information has been sold in the past year. The Act defines the businesses to which it applies and further provides specific responsibilities to maintain compliance with the Act. This quick reference guide is a first step for determining if the Act might apply to you and what your responsibilities might be. This reference guide is only a start, and does not cover all of the specifics under the law, or the many exceptions that may apply. For example, financial institutions subject to the California Privacy Act may be exempt. Definitions have been abbreviated in the interests of space. The full text of the Act is available at [http://www.reedsmith.com/ca-shine-the-light\\_privacy](http://www.reedsmith.com/ca-shine-the-light_privacy).



## The Law Applies: What Do You Need To Do?

### **Consider an Alternative to Providing Accountings**

- If the Act applies, you can satisfy it:
  - With a published policy that you will obtain opt-in consent before sharing personal information with third parties for direct marketing purposes *or* that you will provide a cost-free method to opt-out. *CA CIV. CODE § 1798.83(c)(2)*.
  - If you are subject to the Gramm-Leach-Bliley Act ("GLBA"), by complying with the disclosure requirements in GLBA. *CA CIV. CODE § 1798.83(b)(2)*.
  - If the Act applies, and you *do not* adopt an opt-in or opt-out policy, you must designate an approved method for customers to request an accounting and provide an accounting on demand.

### **Designate a Method for Customers to Request an Accounting**

- If you choose to provide accountings instead of adopting an opt-in or opt-out policy, you must designate a mailing address, electronic mail address, or toll-free phone number or fax, to which customers may deliver a request for an accounting.
- You must additionally do *at least one* of the following to help facilitate customer requests:
  - If you have employees who regularly have customer contact, notify all agents and managers who supervise these employees of the designated address or phone number for making an accounting request, and notify them that employees should be instructed to comply with customer requests for this information. *CA CIV. CODE § 1798.83(b)(1)(A)*.
  - Add a section or a link to the homepage of your website entitled, "Your Privacy Rights." The first page of the link shall describe the customers' rights and provide the designated contact information for the request of an accounting. Detailed content and formatting requirements are provided by the Act. *CA CIV. CODE § 1798.83(b)(1)(B)*.
  - Make the designated contact information readily available upon request of a customer at every place of business in California where the business or its agents have regular customer contact. *CA CIV. CODE § 1798.83(b)(1)(C)*.

### **How to Provide an Accounting**

- If you choose to provide accountings instead of adopting an opt-in or opt-out policy, you must provide accountings on demand.
- You must inform the requesting customer, in writing or by electronic mail, of all the categories of personal information that you disclosed to third parties, for those third parties' direct marketing purposes, within the past calendar year. *CA CIV. CODE § 1798.83(a)(1)*.
- You must inform the requesting customer, in writing or by electronic mail, of the names and addresses of all the third parties who received personal information, for direct marketing purposes, within the past calendar year. *CA CIV. CODE § 1798.83(a)(1)*.
- The response to a request for an accounting shall be made within 30 days upon receipt of the request, if made through the designated channels. Otherwise the response shall be within a reasonable time, but no more than 150 days. *CA CIV. CODE § 1798.83(b)(1)(C)*.
- A consumer has the right to an accounting only once per calendar year. *CA CIV. CODE § 1798.83(c)(1)*.

## Resources

- California Office of Privacy Protection – <http://www.privacyprotection.ca.gov/>
- Shine the Light Act and other privacy statutes – [http://www.reedsmith.com/ca-shine-the-light\\_privacy](http://www.reedsmith.com/ca-shine-the-light_privacy)

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