

A GUIDE TO PRIVACY LAWS IN THE US AND HOW IT IMPACTS THE WAY LEADS ARE SOURCED AND MANAGED.

In 2018, the California Consumer Privacy Act (CCPA) was signed into law and became effective on January 1, 2020. Its goal is to extend consumer privacy protections to the internet. It's not an exaggeration to say the CCPA is the most comprehensive internet-focused data privacy legislation in the US, and it has far-reaching implications nationwide.

The Intentions of the CCPA Is for Consumers to:

- Know what personal data is being collected about them.
- Know whether their personal data is sold or disclosed and to whom.
- Say no to the sale of personal data.
- Access their personal data.
- Request a business to delete any personal information.
- Not be discriminated against for exercising their privacy rights.

Scope and Definition of Personal Data

CCPA defines personal information as information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer such as a real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, or other similar identifiers. Or, in short, all data parameters by which you identify and contact members and prospects today.

My Studio Is Not in California, Why Does This Apply to Me?

With no federal answer on the horizon, several other states are taking a page from California's book by drafting their own regulations to give citizens increased control over their personal data. Xponential is required to maintain CCPA standards nationwide in anticipation of these new laws and their enforcement.

What Are the Fines for Violation?

A fine may be assessed up to **\$7,500 for each intentional violation** and **\$2,500 for each unintentional violation** (Cal. Civ. Code § 1798.155). The scale of the number of your prospects for you and your brand is substantial. The impact of \$2,500 per prospect or member not compliant would be business altering. Therefore compliance requires enforcement, technology, and diligence at the studio level to ensure the provided tools are utilized.

What Rights Are Granted to Users?

Under these laws, consumers have a right to access through a data subject access request (DSAR) and also have the "right to delete" — with some exemptions — consumer personal information on request. The CCPA also gives consumers a right of action to sue if they're the victim of a data breach. The law calls for companies to "implement and maintain reasonable security procedures," and this is the reason for the creation of the Digital Partner and Agency Certification programs.

The Future of Data Privacy Laws

Personally Identifiable Information (PII) will be defined to go beyond ordinary identifiers to encompass probabilistic identifiers that can be used to indirectly identify consumers and the right to delete will become an essential part of privacy laws. There's now an understanding among regulators that consumers want to know all the information the companies have about them, backed up with the right to view and possibly correct this data.

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