



June 10, 2025

California Privacy Protection Agency
Attn: Legal Division – Regulations Public Comment
2101 Arena Blvd.
Sacramento, CA 95834
regulations@coppa.ca.gov

Re: Public Comment on Proposed Text of Data Broker Regulations Regarding the Definition of “Direct Relationship”

A thriving, free, and independent press is an essential part of any healthy democracy and plays a vital role in supporting California’s economy and local communities. The News/Media Alliance (“The Alliance”) is a nonprofit organization representing the newspaper, magazine, and digital media industries and empowers members to succeed in today’s fast-moving media environment. The Alliance represents over 2,200 diverse publishers in the United States and internationally, ranging from the largest news and magazine publishers to hyperlocal newspapers and from digital-only outlets to papers that have printed news since before the Constitutional Convention. Alliance members are trusted and respected providers of quality journalism, and the Alliance diligently advocates on a broad range of current issues affecting news media entities, including consumer privacy laws and regulations that relate directly to Alliance members’ trusted relationships with their readers.

The Alliance appreciates the support the California Privacy Protection Agency (“Agency”) has shown for an independent and free press and commends the Agency’s exercise of restraint in another recent rulemaking. In recognition of the extreme hardship that could be imposed on businesses, including news media entities, the Agency Board announced¹ at its April 2025 meeting its decision that it would narrow its proposed rulemaking on regulating automated decision-making technologies, consistent with comments filed by hundreds of organizations, including the Alliance.²

We urge the Agency to again take a similar moderating approach in its proposed text establishing regulations³ for data brokers under California Code of Regulations (“CCR”) Title 11, Division 6, Chapter 3, Article 2, Section 7601(d), particularly concerning the revised definition of “direct

¹ California Privacy Protection Agency, Proposed Text of Regulations (CCPA Updates, Cyber, Risk, ADMT, and Insurance Regulations) (November 2024), available at: https://coppa.ca.gov/regulations/pdf/ccpa_updates_cyber_risk_admt_ins_text.pdf.

² News/Media Alliance February 2024 comments available at: <https://www.newsmediaalliance.org/news-media-alliance-submits-comment-on-california-privacy-protection-agency-proposed-rulemaking-on-automated-decisionmaking/>

³ See California Privacy Protection Agency, Proposed Text (Express Terms), available at: https://coppa.ca.gov/meetings/materials/20250306_07_item6_draft_text.pdf.



relationship.”⁴ The Agency proposes significant modifications to this definition which could expand the applicability and obligations of the data broker registration section to thousands of new businesses of all types, small and large. As such, the Agency’s proposed modification, and resulting expansion, plainly exceeds the Agency’s authority under the California Privacy Rights Act (“CPRA”) to amend regulations “to carry out the purposes and provisions of the California Consumer Privacy Act [(“CCPA”)].”⁵

The Agency’s proposed modification to the definition of “direct relationship” is inconsistent with the definitions in the Delete Act⁶, the Data Broker Registration Act⁷, and the legislative intent of the CCPA. In enacting these laws, which, respectively, establish a data broker registration and an accessible deletion mechanism, the Legislature did not expand the definition of “data broker” or define “direct relationship.” Nor did the Legislature empower the Agency to modify and significantly expand the data broker definitions, contained in both laws it seeks to regulate, to potentially capture thousands of new businesses not contemplated to be data brokers by any of these laws. On the contrary, while the Legislature notes that the Agency is vested with full administrative power to enforce the CCPA, it makes clear that “[e]xisting law defines various terms” for the purposes of effectuating data broker requirements and expressly states that the Delete Act “would incorporate the definitions from the CCPA.”⁸

As a result, the Agency is constrained by and legally prohibited from exceeding the definitions set forth in the laws that empower it, the CCPA and CPRA, and the laws that it seeks to regulate in this rulemaking, namely the Delete Act and the Data Broker Registration Act.

Since the Delete Act and the Data Broker Registration Act limit the definition of data broker to a business that “knowingly collects and sells to third parties the personal information of an individual with whom the business does not have a direct relationship,” the Agency cannot expand the definition of what a data broker is under these laws by attempting to broadly define “direct relationship” beyond the CCR’s current definition of “direct relationship,” which is consistent with the CCPA and Delete Act.

⁴ See California Code of Regulations. Title 11, Division 6, Chapter 3, Article 2, Section 7601

⁵ See California Civil Code Division 3. Part 4. Title 1.81.5. California Consumer Privacy Act of 2018. 1798.199.40.

⁶ See California Senate Bill 362, as enrolled on 9/11/2023 and chaptered by Secretary of State on 10/10/2023, Chapter 709, Statutes of 2023.

⁷ See California Assembly Bill 1202, as enrolled on 9/11/2023 and chaptered by Secretary of State on 10/11/2019, Chapter 753, Statutes of 2019.

⁸ See *id.*





Like many California businesses, publishers use advertising to support their consumer offerings, and this includes augmentation and enhancement from third party sources. In the case of publishers, advertising subsidizes the production of high-quality journalism content and provides readers with more informative, tailored content and advertising. The proposed regulations could stifle long-appreciated and expected benefits for consumers.

As intended by the CCPA, consumers retain at all times the ability to directly opt out of such practices based on their direct relationship with publishers. In addition to providing consumers with vital access to high-quality journalism, personalized advertising is also vital to publishers because it helps keep much quality content free or at a low cost to access. The definition of “direct relationship” in the proposed text could restrict publishers’ ability to leverage common advertising practices that still support consumer opt-out. Alternatively, expanding the definition as proposed could result in costly operational and other obligations for news media and many other businesses operating in the advertising ecosystem, despite not being authorized or intended by the Legislature.

Conclusion

Denying California consumers access to high-quality journalism is not the intent of the CCPA and is inconsistent with the law.⁹ The Alliance respectfully requests that the Agency refrain from modifying the definition of “direct relationship” and instead maintain the current definition as it stands, consistent with Legislative intent.

The Alliance respectfully requests that the Agency strike the new language proposed in the definition of “direct relationship” in section 7601(d).

Sincerely,

Emily Emery
Vice President, Government Affairs

⁹ California Constitution Article I, Section 2: “A law may not restrain or abridge liberty of speech or press.”

