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DATA PRIVACY ADVANTAGE

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OUR PRIVACY ESSAY SERIES

Welcome to "The Data Privacy Advantage Newsletter", which will be a monthly resource hub of practical information, advice, and content that will help organizations make Data Privacy a business advantage.

MANAGING GLOBAL PRIVACY CONTROL (GPC) AND UNIVERSAL OPT-OUTS: A PRIMER FOR ORGANIZATIONS

THE DATA DIVA

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Our Privacy Essay Series

Privacy has become a significant concern for individuals and organizations in today's data-driven world. Laws and regulations worldwide are taking a stance to protect user data and to assure that organizations respect privacy choices about their data when interacting with organizations. This has led to the emergence and embrace of requiring Universal Opt-Outs and the use of a Global Privacy Control (GPC). This article comprehensively explains these two critical elements and how organizations can effectively manage these legal and technological requirements.

What are Universal Opt-Out and Global Privacy Control (GPC)?

Universal Opt-Out and Global Privacy Control (GPC) refer to technological mechanisms applied in a browser or with a browser extension to allow consumers to digitally exercise their Data Privacy rights on the Internet and across multiple platforms at once. A Universal Opt-Out and Global Privacy Control (GPC) is a technological capability built into an organization's website to read and respond to browser "signals" sent from an individual's browser to an organization's website upon



visiting it. Currently, not all browsers are capable of sending Universal Opt-Out or Global Privacy Control (GPC) signals, nor are there Universal Opt-Out or Global Privacy Control (GPC) “signal reading” features standard on many organizational websites. As a result, organizations that cannot currently read Universal Opt-Out or Global Privacy Control (GPC) will be required to build these capabilities into their websites based on privacy law requirements in US States such as California, Colorado, and Connecticut.

Which US States require Universal Opt-Out or Global Privacy Control (GPC)?

The California Consumer Privacy Act (CCPA), as amended by the California Privacy Rights Act (CPRA) on January 1, 2023, indicates that organizations should consider Universal Opt-Out or Global Privacy Control (GPC) requests to be valid requests for Opt-Out purposes. Although in June 2023, the Superior Court for the County of Sacramento, California, decided that the enforcement of the CPRA regulations would be delayed for 12 months from the date the California Privacy Protection Agency published the final version of the regulations, which was March 29, 2023, this doesn't stop the fact that the requirement is coming.

As of July 1, 2023, the Colorado Privacy Act (CPA) and the Connecticut Data Privacy Act (CTDPA) go into effect. The CPA requires that organizations be able to read Universal Opt-Out or Global Privacy Control (GPC) by July 1, 2024. The CTDPA requires that organizations be able to read Universal Opt-Out or Global Privacy Control (GPC) by January 1, 2025.

Universal Opt-Out and Global Privacy Control are neither “Universal” nor “Global”

While their names suggest global or universal coverage, both Universal Opt-Out and GPC are not fully global or universal. The enforcement of these controls depends largely on local jurisdiction and individual organization policies. Not all jurisdictions recognize GPC signals or mandate technical Universal Opt-Out mechanisms. However, this digital user choice and control mechanism is a growing trend in the US States, which is rapidly enacting Data Privacy laws.

Opt-Out Browser Signals to Websites are considered valid Opt-Out requests

In States where Universal Opt-Out is recognized, an opt-out signal sent by a browser or a similar

application to a website is considered a legitimate request for opting out. This means organizations are obliged to respect and act on these signals as they would on direct user requests, emphasizing the significance of recognizing and managing such signals effectively.

What should organizations do to comply with Universal Opt-Out and Global Privacy Control Obligations?

To comply with Universal Opt-Out and GPC obligations, organizations should take the following steps:

- **Understand the Regulations:** Organizations should thoroughly understand the privacy laws applicable to their operations. This includes the CCPA and CPRA in California and other relevant privacy legislation.
- **Implement GPC Recognition:** Organizations must ensure their websites recognize and respect GPC signals. This may require technical adjustments or new tools to interpret these signals.
- **Design Universal Opt-Out Processes:** Organizations should establish processes that enable organizations to operational universal opt-outs to satisfy user choice and control. This might involve creating an easy-to-use and accessible interface where consumers can exercise their rights and internal processes for how the organization will satisfy and audit these requests.

- **Update Privacy Notices and Privacy Policies:** Organizations must update their privacy policies to reflect compliance with these privacy controls. If your organization does or does not currently honor Universal Opt-Out or Global Privacy Control (GPC), this should be clearly communicated in Privacy Notices and Privacy Policies. It's essential to inform users about their rights and how their data is handled.
- **Ongoing Compliance Monitoring and Auditing:** Regular audits should be conducted to ensure ongoing compliance. Any gaps identified during these audits should be promptly addressed.

By implementing these measures, organizations can ensure compliance with these Universal Opt-Out and Global Privacy Control (GPC) privacy controls and demonstrate a commitment to respecting consumer privacy. This can go a long way in building trust, fostering long-term customer relationships, and making Data Privacy a Business Advantage.



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Debbie Reynolds, “The Data Diva” has made a name for herself as a leading voice in the world of Data Privacy and Emerging Technology with a focus on industries such as AdTech, FinTech, EdTech, Biometrics, Internet of Things (IoT), Artificial Intelligence (AI), Smart Manufacturing, Smart Cities, Privacy Tech, Smartphones, and Mobile App development. With over 20 years of experience in Emerging Technologies, Debbie has established herself as a trusted advisor and thought leader, helping organizations navigate the complex landscape of Data Privacy and Data Protection. As the CEO and Chief Data Privacy Officer of Debbie Reynolds Consulting LLC, Debbie brings a unique combination of technical expertise, business acumen, and business savvy to her work.