Overview
On September 30, California Gov. Gavin Newsom signed into law AB-1281, which extends until January 1, 2022 the exemptions from the California Consumer Privacy Act (CCPA) for personal information collected as part of a B2B transaction or collected from employees and job applicants. The exemptions apply to most, but not all, of the CCPA requirements. Without AB-1281, the exemptions would have expired on January 1, 2021.

The B2B exemption applies to personal information "reflecting a written or verbal communication or a transaction between the business and the consumer, where the consumer is a natural person who is acting as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietorship, nonprofit, or government agency and whose communications or transaction with the business occur solely within the context of the business conducting due diligence regarding, or providing or receiving a product or service to or from such company, partnership, sole proprietorship, nonprofit, or government agency." Notably, however, the B2B exemption does not apply to the requirements to allow a person to opt out of the "sale" of her information or the prohibition on discrimination against a person who exercises her CCPA rights.

The "employee" exemption applies to personal information collected from employees, job applicants, owners, directors, officers, medical staff members, and contractors. This exemption does not apply to the requirement that a person receive a notice at or before the point of collection of personal information.

Neither exemption applies to the CCPA's private right of action for data breaches.