



HOW iCIMS SUPPORTS YOUR CCPA READINESS

CCPA OVERVIEW

What is the CCPA?

The California Consumer Privacy Act ([CCPA](#)) was signed into law on June 28, 2018. When it takes effect on January 1, 2020, the CCPA will be the first U.S. state law that comprehensively addresses consumer privacy. With General Data Protection Regulation ([GDPR](#))-like concepts, the CCPA seeks to protect all California consumers' personal information. The CCPA was also designed to give California consumers more control over their personal information by affording them the following rights:

- **Right to Access.** Businesses must be prepared to honor a California consumer's request to access and transfer their personal information.
- **Right to Opt-Out.** Businesses must be prepared to honor a California consumer's request to opt out of the sale of their personal information.
- **Right to Delete.** Businesses must be prepared to honor a California consumer's request to delete their personal information, subject to a few exceptions.

- **Right to Nondiscrimination.** Businesses must not discriminate against a California consumer after they have exercised their CCPA privacy rights.

Who is impacted by the CCPA?

The CCPA applies to any "business," which is defined as any for profit legal entity that:

- collects personal information of California consumers;
- alone or jointly with others determines the purposes and means of processing of that personal information;
- does business in California; and
- satisfies one or more of the following:
 - Has annual gross revenue over \$25 million;
 - Annually buys, sells, receives, or shares for a commercial purpose the personal information of 50,000 or more consumers, households, or devices; or
 - Derives at least 50% of its annual revenue from selling consumer's personal information.

Does the CCPA apply to employee or job applicant's personal information?

Yes, however there are recent changes regarding its applicability. On October 11, 2019, California's Governor signed [Assembly Bill 25](#) ("AB 25") into law. It amends the CCPA by exempting most compliance burdens on employers until January 1, 2021; nevertheless, there are few key things to keep in mind.

First, employers still have an obligation to inform job applicants, employees, owners, directors, officers, medical staff, or contractors ("Employees") about the categories of personal information to be collected. Second, Employees may still bring a private civil action against an employer that violates its duty to implement reasonable security procedures and practices if that failure results in the Employee's personal information being subject to unauthorized

access and exfiltration, theft, or disclosure. Third, the AB 25 exemptions expire on January 1, 2021. On January 2, 2021, the entire CCPA is once again applicable unless it is amended prior to that date.

What are the CCPA's consent requirements?

Unlike the GDPR's Article 6 - Lawfulness of processing requirements (e.g., consent), the CCPA is not a consent-based regulatory framework – it focuses on transparency and the right to opt out. As such, it does not require the consent of Employees to process their personal information in the employment or recruiting process. However, it does require consent to sell the personal information of minors and to enter consumers in rewards or other financial incentive programs. For more information, interested parties should read Cal. Civ. Code §§ 1798.120(c) and 125(b)(3).

CCPA'S DETAILED REQUIREMENTS

What does the CCPA cover?

The CCPA builds upon existing California privacy law. The CCPA, however, is more extensive approach with 22 different sections and many subsections. Consumer privacy laws this comprehensive have never existed in the United States as the CCPA arguable governs virtually every aspect of an organizations' handling of personal information. Some key areas of the 22 CCPA sections are as follows:

- Rights of the Consumer (Cal. Civ. Code § 1798.100-1798.125):
 - Right to access personal information
 - Right to delete personal information
 - Right to information about collection, sale and disclosure of personal information
 - Right to opt out of sale of personal information
 - Right to nondiscrimination

- Privacy notice requirements (Cal. Civ. Code § 1798.135)
- General definitions (Cal. Civ. Code § 1798.140)
- Exemptions (Cal. Civ. Code § 1798.145)
- Private right of action (Cal. Civ. Code § 1798.150)
- Civil penalties (Cal. Civ. Code § 1798.155)

What does enforcement look like under the CCPA?

The CCPA will primarily be enforced by the California Attorney General; however, the law also provides a private right of action to California consumers under certain circumstances.

- **Civil penalties or Fines.** Violations may result in civil penalties by the California Attorney General of up to \$2,500 per violation or \$7,500 per intentional violation. Currently, there is no cumulative cap on the potential for these civil penalties.
- **Private Right of Action.** Businesses that suffer a data breach and have failed to maintain reasonable security may be subject to consumers' private right of action and be ordered to pay consumer statutory damages of \$100 to \$750 per consumer per incident or actual damages, whichever is greater. Businesses may also be subject to injunctive or declaratory relief, and any other relief a California court deems fit.

HOW DOES iCIMS SUPPORT MY READINESS?

iCIMS, Inc. and its subsidiaries, TextRecruit, Inc. and Jibe, Inc. (collectively, "iCIMS") is committed to complying with the CCPA and supporting its global customer base. iCIMS understands that its customers work with a variety of vendors. To ensure compliance with the CCPA, our customers are ensuring their vendors are committed to support the CCPA's comprehensive requirements. Topics, such as data security and data subject rights, are a top priority for iCIMS as a best-of-breed recruitment technology service provider. Thankfully, iCIMS has the history, skills, and commitment to continue to work diligently to create a secure, seamless user experience for its customers in the US, EU, and around the world.

To that end, iCIMS is committed to enabling and assisting its customers in their effort to use the

iCIMS Talent Acquisition Platform and achieve CCPA compliance. As such, we have put together the information below to help our customers become and remain CCPA compliant. By frequently visiting the [iCIMS' Data Protection, Privacy & Security webpage](#), customers can also stay informed with our resources and materials on data protection, privacy & security.

Will iCIMS be updating its contractual terms with respect to CCPA?

Yes, we understand that the CCPA sets forth prescriptive definitions for a "business," "service provider," and "third party." We also understand that our customers may desire that their agreements with iCIMS contain prescriptive limits on the use of personal information that clearly meet the CCPA obligations for a "business" and "service provider."

While we believe these limits are already covered under our [Subscription Agreement](#), we have also created a standard Service Provider Processing Addendum (“SPPA”) for execution. For a copy of the SPPA, please contact your account manager who can work with the iCIMS legal team.

What are my responsibilities (as a customer of iCIMS) as it relates to CCPA readiness?

As a customer (or “business”) of iCIMS (a “service provider”), you are responsible for ensuring compliance with the CCPA’s requirements. This includes, but is not limited to, notifying California consumers of how you handle their personal information and addressing their requests. We will provide you with assistance in meeting those requirements where possible and appropriate. However, please note that you remain ultimately responsible for compliance with the CCPA’s requirements.

Will customers be able to execute their respective candidates’ “right to access” or “right to delete” requests?

By January 1, customers will be able to execute upon a candidate’s request to access their personal information or to have their personal information deleted. For more information on how a customer can effectuate these requests within the iCIMS Talent Acquisition Platform, please review our article, [Understanding How iCIMS Supports Your CCPA Compliance](#), which is accessible [here](#).

Where can my business post our privacy notice(s) within the iCIMS Talent Acquisition Platform to help us prepare for CCPA?

Depending on their licensed iCIMS suite(s), our customers can customize their own privacy notice by following the instructions located within our article, [Understanding How iCIMS Supports Your CCPA Compliance](#), which is accessible [here](#).

Does iCIMS apply reasonable security measures in its protection of its customers’ personal information?

Yes, the iCIMS Talent Acquisition Platform is [ISO/IEC 27001:2013](#) certified. We are also subject to an annual audit to maintain our [ISO/IEC 27001:2013](#) certification. In addition, we maintain detailed and comprehensive [policies](#) that apply to many areas that address data security, such as our [IT Security Policy](#) and our [Data Security & Privacy Statement](#).

Does iCIMS have a documented Incident Response Policy or Process?

Yes, we have a documented Incident Response Policy & Process. You can access it by clicking [here](#).

Does iCIMS maintain a publicly accessible list of its subprocessors (i.e., vendors that assist iCIMS in processing its customers’ data)?

Yes, we maintain a subprocessor list. You can access it by clicking [here](#).

Once the CCPA goes into effect (January 1, 2020), does iCIMS expect any future privacy feature changes to the iCIMS Talent Acquisition Platform?

Due to recent CCPA changes and anticipated future changes, we are unable to definitively answer this question. However, we are always evaluating ways to create new or improve our current customer features and functionality that address data protection & privacy laws, such as the CCPA. Please feel free to stay informed on this topic, by frequently visiting our [Data Protection, Privacy & Security](#) webpage.

Additionally, for those who are unaware, on October 11, 2019, California Governor Gavin Newsom signed five amendments to the CCPA ([AB-25](#), [AB-874](#), [AB-1146](#), [AB-1355](#) and [AB-1564](#)). In addition, on October 10, 2019, the California Attorney General announced proposed regulations implementing the CCPA. The AG stated, "The proposed regulations would establish procedures to facilitate consumers' new rights under the CCPA and provide guidance to businesses for how to comply." However, the proposed regulations are not expected to be finalized until Spring 2020. Once finalized, these proposed regulations may drive new CCPA requirements and the need for more privacy features within the iCIMS Talent Acquisition Platform.

For more information on the CCPA, please visit the [California Legislature](#) page.



iCIMS is the leading recruitment software provider for employers to attract, engage and hire great people. iCIMS enables companies to manage and scale their recruiting process through a full product suite and an ecosystem of 265 integrated partners. Established in 2000, iCIMS supports more than 4,200 customers, including one in every six Global 1000 companies in the US, hiring 4 million people each year and is the largest software provider dedicated to talent acquisition. For more information, visit www.icims.com.