

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

May 1, 2024

2. Department

California Privacy Protection Agency (Agency)

3. Organizational Placement (Division/Branch/Office Name)

Audits Division

4. CEA Position Title

Chief Auditor

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The Agency's mission is to protect Californians' consumer privacy and implements and enforces the California Consumer Privacy Act (CCPA).

Under the administrative direction of the Executive Director and Board, the Chief Privacy Auditor is responsible for planning, organizing, directing, reviewing, and managing the work and staff of the Agency's Audits Division. The Chief Privacy Auditor is also responsible for the overseeing research and implementation of policies regarding a broad range of policy issues related to auditing of an incredibly technically sophisticated and ever evolving subject area pertaining to privacy, cyber security, and automated decision making including Artificial Intelligence (AI). The Chief Privacy Auditor will be responsible for building out the independent audit function of the first agency in the United States created for the sole purpose of protecting the privacy rights of consumers, and in developing its approach to auditing and enforcement. The Chief Auditor will oversee technology experts in the Audit Division conducting privacy and security audits to ensure California's cutting-edge privacy law.

6. Reports to: (Class Title/Level)

Executive Director / Exempt

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The California Privacy Protection Agency (CPPA or Agency)'s mission is to protect Californians' consumer privacy. The Agency implements and enforces the California Consumer Privacy Act (CCPA). Its responsibilities include: 1) rulemaking in a highly complicated, technical, sometimes contested, and nuanced area; 2) supporting awareness across California's diverse population on issues related to privacy and data security, including the new rights provided to them by the law; and 3) administrative enforcement of those rights.

The Audits Division (AD) will develop and apply privacy compliance audit procedures. The AD will perform, plan, coordinate, and assist in the development and maintenance of CCPA audits through complex regulatory examinations of businesses and business practices, including those that have a significant compliance issue. The AD will obtain records and perform analyses of privacy and technology information to determine compliance with the CCPA.

The AD will also work closely with the Enforcement Division in reviewing and assessing consumer complaints, conducting interviews with businesses, and collecting and examining data to determine compliance with the CCPA, including the regulations. The AD will work with businesses to discuss deficiencies, make recommendations for corrective action, and suggest improvements to internal controls or operations. The AD will work to prepare examination reports to document the examination findings and to support the basis for audit conclusions.

The Chief Privacy Auditor is responsible for planning, organizing, directing, reviewing, and managing the work and staff of the Agency's Audits Division. The Chief Privacy Auditor is also responsible for the overseeing research and implementation of policies regarding a broad range of policy issues related to auditing of an incredibly technically sophisticated and ever evolving subject area pertaining to privacy, cyber security, and automated decision making including Artificial Intelligence (AI). The Chief Privacy Auditor will be responsible for building out the independent audit function of the first agency in the United States created for the sole purpose of protecting the privacy rights of consumers, and in developing its approach to auditing and enforcement. The Chief Auditor will oversee technology experts in the Audit Division conducting privacy and security audits to ensure California's cutting-edge privacy law.

Fulfills the Agency's statutory audit responsibilities and mission as directed by the Board and overseen by the Executive Director. Works with the Board, Agency staff counsel, and stakeholders to create, coordinate, and implement Agency audit policies, and directs development of necessary and appropriate processes, tools, techniques, and expertise to implement Agency audit and enforcement policies. Provides guidance on objectives and measures upon which privacy and security audit projects are evaluated. Advises the executive director and Audit Division staff on a broad range of technology issues pertaining to privacy and security. Guides research privacy-related business practices and the technologies underlying those practices. Reviews presentations and briefings of investigative audit conclusions. Analyzes web service technologies and oversees preparation of reports of audit findings.

Ensures that the Agency's audit and enforcement responsibilities, and the Agency's audit and enforcement related high-level policies, goals, and objectives, as promulgated by the Board, are accomplished. Oversees research privacy-related business practices to support investigations and enforcement actions; preparation of privacy and security audit reports and provide testimony at hearings to explain audit findings; analyses of algorithms and protocols related to data protection and privacy, authentication, payments, or digital advertising; development of tools to research privacy trends online and offline; review of web services technologies and their application in relation to browser cookies and mobile device identifiers. Collaborates with enforcement staff in investigating potential violations of the California Consumer Privacy Act and prosecuting violations.

Provides leadership, guidance, training, and support to Audit Division. Oversee coordination of duties and responsibilities to Division personnel. Develop and modify technical specifications needed for privacy-related audits. Develop and implement standards and controls for privacy-related audits. Oversee the planning of the overall organizational information technology strategy for audit of the California Consumer Privacy Act. Directs the design, implementation, and maintenance system architecture across multiple platforms as needed for audits. Coordinate infrastructure system design, modification, upgrade, and implementation for consumer complaints, investigations, and enforcement actions.

Consults with and advises the Board on the complex legal, regulatory, technical, social, and political issues involved in implementing the Agency's statutory auditing responsibilities. Strengthens and supports the CPPA's audit responsibilities by monitoring current and next-generation privacy violations involving a range of technology-related issues. Oversees identification of new avenues of auditing. Ensures data is gathered to develop ideas for potential audit findings.

Acts as Agency spokesperson on auditing issues at meetings, hearings, and other venues as delegated by the Board. Participates in and makes presentations in policy, regulatory, and other forums.

Participates in the activation of Agency mission, goals, and objectives related to auditing and enforcement. Ensures the development, ongoing review, and implementation of the Agency's mission, goals, and objectives related to auditing.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The role of the Chief Auditor is indispensable within the CPPA due to its pivotal contributions to fulfilling the Agency's mission and purpose, which is to protect Californians' consumer privacy. The Agency implements and enforces the CCPA and its three pillars of the mission include: 1) rule making in a highly complicated, technical, sometimes contested, and nuanced area; 2) supporting awareness across California's diverse population on issues related to privacy and data security, including the new rights provided to them by the law; and 3) administrative enforcement of those rights. The Chief Auditor assumes an important role in enforcement of privacy rights, as they are charged with comprehensive oversight of research initiatives, development, and implementation of policies that address a spectrum of privacy concerns. This purview extends across several domains including cyber-security, automated decision making, artificial intelligence, reflecting the evolving landscape of digital privacy.

This role and the audit function is required by statute and must be established to ensure compliance with state laws and protect Californians. Without the Chief Privacy Auditor the Agency will be unable to build out the necessary independent audit functions to protect the privacy rights of consumers, through the auditing and enforcement of state laws.

Under the administrative direction of the Executive Director and Board, the Chief Privacy Auditor is responsible for planning, organizing, directing, reviewing, and managing the work and staff of the Agency's Audits Division. The Chief Privacy Auditor is also responsible for the overseeing research and implementation of policies regarding a broad range of policy issues related to auditing of an incredibly technically sophisticated and ever evolving subject area pertaining to privacy, cyber security, and automated decision making including Artificial Intelligence (AI). The Chief Privacy Auditor will be responsible for building out the independent audit function of the first agency in the United States created for the sole purpose of protecting the privacy rights of consumers, and in developing its approach to auditing and enforcement. The Chief Auditor will oversee technology experts in the Audit Division conducting privacy and security audits to ensure California's cutting-edge privacy law.

The Chief Auditor serves as the primary arbiter in shaping audit policies that directly impact Californians accessing information on line. Their oversight will facilitate privacy compliance in the state.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The Chief Auditor position was approved in the Agency's first Budget Change Proposal, following the passing of proposition 24. The position was deemed necessary to enforce privacy rights.

The breadth, complexity, and constancy of the Agency's work requires staff with sufficient expertise to execute that work effectively. The Agency's mandated workload is significant, spanning regulatory rulemaking, auditing, enforcement, public outreach, and other duties. It has jurisdiction over a notably complex and fast-moving area. The Agency's Executive Director and staff must be able to successfully work with the Board to develop regulatory, enforcement, and administrative processes, all within an especially complex environment.

The Audit Division (AD) will develop and apply privacy compliance audit procedures. The AD will perform, plan, coordinate, and assist in the development and maintenance of CCPA audits through complex regulatory examinations of businesses and business practices, including those that have a significant compliance issue. The AD will obtain records and perform analyses of privacy and technology information to determine compliance with the CCPA.

The AD will also work closely with the Enforcement Division in reviewing and assessing consumer complaints, conducting interviews with businesses, and collecting and examining data to determine compliance with the CCPA, including the regulations. The AD will work with businesses to discuss deficiencies, make recommendations for corrective action, and suggest improvements to internal controls or operations. The AD will work to prepare examination reports to document the examination findings and to support the basis for audit conclusions.

The AD will make recommendations and written and oral presentations to management during and at the conclusion of the examination. And lastly, the AD will prepare and review memoranda documenting exam findings and testify in administrative hearings regarding violations identified during examinations.

The AD aims to work proactively to prevent misuse of consumer data by:

- Conducting risk analyses on consumer data and privacy issues to develop evidence-based policies;
- Identifying developments in consumer data processing practices with high risks to consumers;
- Identifying the impact of emerging technologies on the terms and characteristics of consumer data integrity and privacy;
- Researching innovative technologies and emerging trends within businesses subject to the CCPA;
- Researching the integration of new technologies within businesses subject to the CCPA;
- Identifying relationships and emerging data trends in the rapidly evolving technology sector to forecast potential risks to California consumers;
- Identifying new strategic opportunities, and making policy recommendations;
- Conducting detailed economic analyses to evaluate economic, policy, technological and fiscal impacts within businesses subject to the CCPA; and to identify changes in market trends and current gaps in oversight; and
- Reviewing industry reports and data requests across multiple public-facing IT services required by our statute, including the Privacy Complaint System.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The Audits Division (AD) will develop and apply privacy compliance audit procedures. The AD will perform, plan, coordinate, and assist in the development and maintenance of CCPA audits through complex regulatory examinations of businesses and business practices, including those that have a significant compliance issue. The AD will obtain records and perform analyses of privacy and technology information to determine compliance with the CCPA.

The AD will also work closely with the Enforcement Division in reviewing and assessing consumer complaints, conducting interviews with businesses, and collecting and examining data to determine compliance with the CCPA, including the regulations. The AD will work with businesses to discuss deficiencies, make recommendations for corrective action, and suggest improvements to internal controls or operations. The AD will work to prepare examination reports to document the examination findings and to support the basis for audit conclusions.

The AD will make recommendations and written and oral presentations to management during and at the conclusion of the examination. The AD will prepare and review memoranda documenting exam findings and testify in administrative hearings regarding violations identified during examinations.

The AD aims to work proactively to prevent misuse of consumer data by:

- Conducting risk analyses on consumer data and privacy issues to develop evidence-based policies;
- Identifying developments in consumer data processing practices with high risks to consumers;
- Identifying the impact of emerging technologies on the terms and characteristics of consumer data integrity and privacy;
- Researching innovative technologies and emerging trends within businesses subject to the CCPA;
- Researching the integration of new technologies within businesses subject to the CCPA;
- Identifying relationships and emerging data trends in the rapidly evolving technology sector to forecast potential risks to California consumers;
- Identifying new strategic opportunities, and making policy recommendations;
- Conducting detailed economic analyses to evaluate economic, policy, technological and fiscal impacts within businesses subject to the CCPA; and to identify changes in market trends and current gaps in oversight; and
- Reviewing industry reports and data requests across multiple public-facing IT services required by our statute, including the Privacy Complaint System.

The California Privacy Protection Agency (CPPA)'s mission is to protect Californians' consumer privacy.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

Under the administrative direction of the Executive Director and Board, the Chief Privacy Auditor is responsible for planning, organizing, directing, reviewing, and managing the work and staff of the Agency's Audits Division. The Chief Privacy Auditor is also responsible for the overseeing research and implementation of policies regarding a broad range of policy issues related to auditing of an incredibly technically sophisticated and ever evolving subject area pertaining to privacy, cyber security, and automated decision making including Artificial Intelligence (AI). The Chief Privacy Auditor will be responsible for building out the independent audit function of the first agency in the United States created for the sole purpose of protecting the privacy rights of consumers, and in developing its approach to auditing and enforcement. The Chief Auditor will oversee technology experts in the Audit Division conducting privacy and security audits to ensure California's cutting-edge privacy law.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The breadth, complexity, and constancy of the Agency's work requires staff with sufficient expertise to execute that work effectively. The Agency's mandated workload is significant, spanning regulatory rulemaking, auditing, enforcement, public outreach, and other duties. It has jurisdiction over a notably complex and fast-moving area. The Agency's Executive Director and staff must be able to successfully work with the Board to develop regulatory, enforcement, and administrative processes, all within an especially complex environment.

The AD will develop and apply privacy compliance audit procedures. The AD will perform, plan, coordinate, and assist in the development and maintenance of CCPA audits through complex regulatory examinations of businesses and business practices, including those that have a significant compliance issue.

The AD will obtain records and perform analyses of privacy and technology information to determine compliance with the CCPA. The AD will also work closely with the Enforcement Division in reviewing and assessing consumer complaints, conducting interviews with businesses, and collecting and examining data to determine compliance with the CCPA, including the regulations. The AD will work with businesses to discuss deficiencies, make recommendations for corrective action, and suggest improvements to internal controls or operations. The AD will work to prepare examination reports to document the examination findings and to support the basis for audit conclusions. The AD will make recommendations and written and oral presentations to management during and at the conclusion of the examination. And lastly, the AD will prepare and review memoranda documenting exam findings and testify in administrative hearings regarding violations identified during examinations.

The AD aims to work proactively to prevent misuse of consumer data by:

- Conducting risk analyses on consumer data and privacy issues to develop evidence-based policies;
- Identifying developments in consumer data processing practices with high risks to consumers;
- Identifying the impact of emerging technologies on the terms and characteristics of consumer data integrity and privacy;
- Researching innovative technologies and emerging trends within businesses subject to the CCPA;
- Researching the integration of new technologies within businesses subject to the CCPA;
- Identifying relationships and emerging data trends in the rapidly evolving technology sector to forecast potential risks to California consumers;
- Identifying new strategic opportunities, and making policy recommendations;
- Conducting detailed economic analyses to evaluate economic, policy, technological and fiscal impacts within businesses subject to the CCPA; and to identify changes in market trends and current gaps in oversight; and
- Reviewing industry reports and data requests across multiple public-facing IT services required by our statute, including the Privacy Complaint System.