

# California Privacy Cases

## Methodology

- Reviewed cases in the past three years
- Causes of action:
  - California Consumer Privacy Act
  - California Confidentiality of Medical Information Act
  - California Invasion of Privacy Act
- Applied the following questions:
  - Are California privacy law cases represented by attorneys or are they pro se cases?
  - How do privacy laws impact the California public?
  - How do privacy laws impact businesses?
  - How would a privacy law specialization benefit the public?
  - How would a privacy law specialization benefit licensees of the Bar?
  - How would a privacy law specialization advance the State Bar's mission?



# California Consumer Privacy Act

- 34 cases since November 2018
  - 13 filed in federal court
- No pro se
- 9 class action cases
- Many cases relate breach due to actions of a third party
  - Large scale data breaches
  - One-off allegations of access by unauthorized users
- Additional allegations relating to unlawful use of information to promote defendants' services
- Most of defendants include banks, telecommunications providers, healthcare service providers and suppliers



# California Confidentiality of Medical Information Act

- 49 cases since March 28, 2020
  - 26 filed in federal court
- Only 1 pro se plaintiff
- 35 class action cases
- Many cases relate to the conduct of vendors or third-party bad actors
  - 20 cases allege large scale breach due to ransomware, cyberattack, or phishing
  - 6 cases relate to use of metapixels
- 6 cases allege improper uses/disclosure of medical information by employers (4 relate to vaccination data)
- Several cases involved motions by defendants re: defendant not subject to CMIA, no unlawful disclosure



# California Invasion of Privacy Act (CIPA)

- Over 60 federal cases filed since March 2019, of which roughly 50% were filed in the last year (2022-2023)
  - Almost all (58) were filed as putative class actions
  - Some removals from state courts indicate that state court CIPA filings are also prevalent
  - Handful of the same plaintiff law firms are bringing these claims
    - 3 pro se plaintiffs
    - Some repeat plaintiffs, but always represented by firms
  - Defendants are primarily larger consumer brands/retailers, but not always
- Many cases relate to the conduct of vendors or third-party chat/software providers
  - Chatbots, customer service messaging platforms etc.
  - Session replay technologies on websites
  - Amazon ConnectVoiceID
- Many cases also include federal wiretap claims and privacy torts

