

COLORADO PRIVACY ACT PRE-RULEMAKING PUBLIC LISTENING SESSIONS

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Background

The Colorado Attorney General's Office is welcoming informal input from all members of the public about upcoming rulemaking on the Colorado Privacy Act (CPA). We want to understand the community's thoughts and concerns about data privacy in advance of the formal rulemaking process. Obtaining diverse input from a wide variety of stakeholders during this preliminary phase will enable us to effectively develop the most thoughtful and informed draft rules.

Public input events

The Colorado Attorney General's Office will be holding informal public input sessions on Wednesday, June 22, and Tuesday, June 28. Community members who attend these sessions will have an opportunity to learn about the CPA and offer comments about their priorities, concerns, and questions on topics relevant to the upcoming CPA rulemaking and the future of data privacy in Colorado. Time will be left at the end if possible for additional comments, but registration is recommended.

In-person with virtual option: Wednesday, June 22, 2022

Where: Ralph L. Carr Colorado Judicial Center, Room 1D

1300 Broadway, 1st Floor, Denver

And via Zoom

When: 3-5 p.m. MDT

Register: Click [here](#) to register for the in-person or virtual meeting

Virtual only: Tuesday, June 28, 2022

Where: Via Zoom

When: Noon-2 p.m. MDT

Register: Click [here](#) to register

Procedure

Comments will be limited to five minutes per person; however, the meeting moderator may decide to shorten or lengthen the time limit at their discretion.

If time permits, there will be an open public comment period at the end of the session to receive input from individuals who did not sign up to speak in advance. Please sign up in advance through the registration link if you know that you would like to provide input during the session to ensure your comments are heard.

These meetings are informational, and comments received through the session may not be made part of the official rulemaking record. The office will provide public notice of its proposed rules once they are prepared. At that time, the office will also hold formal public rulemaking hearings to allow interested persons to share input on the proposed rules and further engage in the formal rulemaking process. In order to ensure comments are included in the rulemaking record, participants must submit comments through the formal rulemaking public comment processes. Sign up for future updates at www.coag.gov/cpa.

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Tips for effective commentary

- Be as specific as possible. Identify the issue presented and explain the way that you think regulation can address that issue.
- Please provide any specific language that you would like us to include in our rules.
- Provide examples of the ways in which the CPA or specific rule(s) may impact you or your business and how regulations can mitigate or influence any impact.
- Reference any reports, articles or other materials that support your position.
- Address arguments against your position and tell us why your position is strongest.

Comment topics

The Colorado Attorney General's Office welcomes comments from all interested parties during the pre-rulemaking public listening sessions. Comments may address, but are not limited to, areas that need clarification, consumer concerns, anticipated compliance challenges, impacts of the CPA on business operations, cost concerns, and any related research or analyses. Below is a list of example topics for which we welcome specific feedback.

1. **Universal Opt-Out:** Under the CPA, Colorado residents will be able to opt out of the sale of their personal data or use of their data for targeted advertising using a single opt-out mechanism that will be honored by all covered businesses processing their personal data. We are seeking input to better understand what the clearest and most accessible type of universal opt-out would be for consumers, consumer expectations for how a universal opt-out mechanism might function, and potential technical limitations to any universal opt-out mechanism.
2. **Consent:** Businesses subject to the CPA will have to get consumer consent before they process your sensitive personal information, before they use your personal data in a way that you would not anticipate based on the company's disclosures, and if they want to sell or process your data for targeted advertising after you have opted out of those uses through the universal opt-out mechanism described above. We would like to better understand what information would be most beneficial for consumers when a business asks for consent, especially when asking for consent to process sensitive personal data.
3. **Dark Patterns:** Entities covered by the CPA will not be allowed to obtain consumer consent using "dark patterns." This means that a business may not ask for consent in a way that is intentionally confusing or design its web page in a way that could trick you into consenting when you did not intend to. We would like to better understand if there are certain online interactions where consumers are currently asked to provide consent that they find confusing or which have caused them to give their consent when they did not intend or desire to do so.
4. **Profiling:** Under the CPA, consumers must be able to opt out of a business' automated processing of their personal data to create profiles that may influence decisions that impact their civil rights. We would like to better understand what type of information companies can provide to help consumers understand the automated processing of their personal data so that they can make an informed opt-out decision.

Additional topics and questions related to pre-rulemaking considerations can be found [here](#). Please note that these topics and questions are not intended to limit input or indicate that the attorney general is predisposed to any position or action.