

CPA Rulemaking: Stakeholder Meeting Details

On Oct. 10, 2022, the Colorado Department of Law opened comment on [proposed draft rules for the Colorado Privacy Act](#). The department also announced it was facilitating three stakeholder meetings to collaborate with interested parties on the proposed rules.

These three meetings will be an opportunity to discuss elements of the Colorado Privacy Act draft rules, answer targeted questions about the proposed rules, and for the department to receive both general and specific input. Interested attendees can register to attend one or more meetings and sign up to participate in the discussion during the meeting.

The department seeks meaningful, thoughtful input on the rules. This includes input from concerned citizens, impacted businesses, and subject matter experts. **All members of the public are invited to attend these stakeholder meetings, to attend the rulemaking hearing on Feb. 1, 2023, and to submit written comments on proposed rules [here](#).**

For additional information on the Colorado Privacy Act and opportunities to participate in the rulemaking, please visit coag.gov/cpa. Previously submitted written comments can be found [here](#). The department encourages all interested parties to sign up to receive updates on Colorado Privacy Act rulemaking [here](#).

Stakeholder meetings

These stakeholder meetings are a forum for the department to gather feedback from a broad range of stakeholders for the development of rules to implement the Colorado Privacy Act. The stakeholder meetings will occur in advance of the rulemaking hearing and speaking participants will be asked to provide their input and insight, along with constructive feedback and suggestions, on the draft rules in an open discussion format.

All meetings will be recorded, and the recordings will be available on www.coag.gov/cpa to interested persons unable to attend a meeting. Recordings will also be part of the public rulemaking record as required by the State Administrative Procedures Act.

The department respectfully asks that participants attempt to keep their comments brief, to the extent possible. For lengthier comments, the department encourages submission of written comments. While the department encourages open and frank dialogue, the department expects that all participants respect all other participants. The department reserves the right to mute participants or remove them from the meeting if they become disruptive. All feedback is welcome, but the most useful feedback includes specific language to be added to, removed from, or changed in the draft rules, and the basis for the changes.

Meeting agendas & additional information

Stakeholder meetings are topical. The department will ask for public comment on proposed rules to implement specific parts of the Colorado Privacy Act during each meeting. The following topics will be discussed during the allotted dates and times. After discussion by pre-registered speaking participants, the department will allow for additional public comment. Meetings are expected to last three hours but may take more or less time depending upon the amount and extent of stakeholder input.

If you would like to submit a written comment to be considered in preparation for the stakeholder meetings, please submit your comment through the Departments CPA comment portal (<https://coag.gov/resources/colorado-privacy-act/comments/>) by Nov. 7, 2022.

Thursday, Nov. 10, 2022, 10AM – 1PM MST: Consumer Rights and The Universal-Opt Out Mechanism
(Registration: https://us02web.zoom.us/webinar/register/WN_vD3LK3uZTIOILOEwL3LQXg)

Consumer Personal Data Rights under the Colorado Privacy Act (C.R.S. § 6-1-1306; 4 CCR 904-3, Rules 4.01-4.09)

- Right of access
- Right to correction
- Right to deletion
- Right to data portability
- Responding to consumer requests

Opt-Out and Universal Opt-Out Mechanism (C.R.S. § 6-1-1313; 4 CCR 904-3, Rules 5.01-5.09)

- Right to opt-out
- Universal Opt-Out Mechanism

Tuesday, Nov. 15, 2022, 12PM – 3PM MST: Controller Obligations and Data Protection Assessments
(Registration: https://us02web.zoom.us/webinar/register/WN_Dsbsoav6ToGZjAg6a7uEDA)

Controller Duties under the Colorado Privacy Act (C.R.S. § 6-1-1308; 4 CCR 904-3, Rules 6.01-6.11)

- Transparency and consumer disclosures
- Duty of purpose specification
- Duty of data minimization
- Duty to avoid secondary use
- Duty of care
- Duty to avoid unlawful discrimination
- Duty regarding sensitive data
- Loyalty Programs
- Documentation

Data Protection Assessments (C.R.S. § 6-1-1309; 4 CCR 904-3, Rules 8.01-8.06)

Thursday, Nov. 17, 2022, 2PM – 5PM MST: Profiling, Consent, and Definitions
(Registration: https://us02web.zoom.us/webinar/register/WN_808DBiYkRRGewFLT2-uoAw)

Profiling (C.R.S. §§ 6-1-1306(1)(a), 6-1-1309(2); 4 CCR 904-3, Rules 9.01-9.06)

- Opt-out rights
- Data protection assessments

Consent (C.R.S. §§ 6-1-1306(1)(a)(IV)(C), 6-1-1308(4), 6-1-1308(7); 4 CCR 904-3, Rules 7.01-7.09)

Definitions (C.R.S. § 6-1-1303; 4 CCR 904-3, Rules 2.01-2.02)

All meetings will be held virtually using the Zoom platform. Video conferencing equipment and an adequate internet connection are recommended but not required. Participation by video is optional and stakeholder attendees may participate by teleconference if needed.

Post-stakeholder meeting process

Unless there is a change in schedule, the department anticipates implementing revisions to the rules throughout this process. The department will post on its rulemaking webpage the latest version of the draft rules no less than five days prior to the rulemaking hearing. It will also e-mail any revised versions to the persons who signed up to receive updates through the department's [rulemaking mailing list](#).

Participants are encouraged to review the revised rules and either submit additional written public comment or attend and provide a statement at the hearing. Participants are strongly encouraged to sign-up for the department's [rulemaking mailing list](#).

The attorney general will make a final determination on rule language following the hearing and consideration of public comments.

Additional opportunities for participation

In addition to the three stakeholder meetings, all interested parties may submit written comments on the proposed rules [here](#). All written comments must be submitted through the department's rulemaking webpage.

The rulemaking hearing will be at 10 a.m. MST on Feb. 1, 2023.

Submit all written comments by Jan. 18, 2023 to be considered for any proposed revisions presented at the rulemaking hearing.

All written comments are due by the conclusion of the rulemaking hearing on Feb. 1, 2023. If the rulemaking hearing continues beyond Feb. 1, 2023, the comment period will continue through the last day of the rulemaking hearing.

The department reserves the right to schedule and conduct additional stakeholder meetings if it determines doing so would assist the department in development the rules.