epic.org

Electronic Privacy Information Center
1519 New Hampshire Avenue NW
Washington, DC 20036, USA

+1 202 483 1140
+1 202 483 1248
@epic.org
https://epic.org

Testimony of John Davisson, EPIC Director of Litigation, to the
California Privacy Protection Agency Board

on

Proposed Regulations Regarding Automated Decisionmaking Technology, Risk Assessments, Cybersecurity Audits, Insurance, and Updates to Existing Regulations

July 24, 2025

My name is John Davisson; I'm the director of litigation for the Electronic Privacy Information Center or EPIC. EPIC is a public interest research center established in 1994 to safeguard privacy, freedom of expression, and constitutional values.

EPIC has long supported the realization of robust protections for Californians against harmful commercial data practices, and we have been a consistent voice in support of the Agency's efforts to implement and make good on the promise of the CCPA.

We've followed your work closely at each step, we have offered expertise and recommendations at every opportunity, and by and large we have been impressed and grateful for the results of the CPPA's regulatory and enforcement work. We know how long and how hard the staff and Board have worked, and we thank you for that.

And as this morning's conversation underscored, the Agency is right to view itself as a national and international leader on data protection, including especially its work on the forthcoming DROP system.

So when I say the following, it comes from a place of sincere concern and shared interest in ensuring that the Board and the Agency are as successful as possible at their statutory mission.

The Board is dropping the ball today. It's dropping the ball on automated decision systems, it's dropping the ball on cybersecurity, and it's dropping the ball on risk assessments.

The current proposal before you represents a significant retreat and a missed opportunity to realize the type of protections against the encroach of commercial surveillance that Californians voted for.

And that retreat comes at exactly the wrong time—just as our federal government is in the throes of a deregulatory rampage and a spiraling AI frenzy driven largely by the forces of big tech.

I won't try to cover EPIC's written comments in full. But as we explain there in detail, the proposed rules exhibit critical self-inflicted wounds.

The narrowed definition of ADMT is dangerously underinclusive.

Essential transparency and accountability mechanisms have been omitted.

The cybersecurity obligations have been watered down.

And the risk assessment obligations of businesses have been hollowed out in troubling ways.

This last item is of special concern to EPIC. At the beginning of this rulemaking process, we set out to produce a public report that would have built on the Agency's once-robust risk assessment framework to recommend consumer-centric best practices for businesses.

Unfortunately, as a result of the weakening of those rules, we were forced to devote a significant portion of that report—which was published last month—to explaining how the CPPA's proposed risk assessment rules come up short and fail to fulfill the statutory goal of "restricting or prohibiting" unduly risky data practices.

Over the past few years, the Agency has defended its role as a leader on data protection against potential federal preemption. And that's certainly understandable.

But this is precisely the moment for the Board to make good on the leadership role it occupies, and to reject industry pressure to deliver less than what Californians deserve and less for what they voted for.

This is not the time for half measures on AI and data protection. We urge you not to adopt the regulations as drafted, and to instead turn back to the far stronger model that the Agency previously put forward.

Thank you.