

CCPA Notice at Collection for California Independent Contractors

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A template notice at collection (or collection notice) for use when an organization collects personal information from a California-based independent contractor. Employees and job applicants are not covered by this notice. This California-specific notice addresses requirements from the California Consumer Privacy Act of 2018 (CCPA) and its implementing regulations. This Standard Document has integrated notes with important explanations and drafting tips.

Note: On November 3, 2020, California voters approved the California Privacy Rights Act of 2020 (Proposition 24) (CPRA), which will amend and expand the CCPA on January 1, 2023. The CCPA remains in effect until the CPRA's operative date. For more on the CPRA, see [Practice Note, Administering California Employee Privacy Rights Under the CPRA](#) and [CPRA Regulation Tracker](#).

DRAFTING NOTE: READ THIS BEFORE USING DOCUMENT

This Standard Document provides a California-specific notice at collection for independent contractors who are California residents, as required by the California Consumer Privacy Act of 2018 (CCPA) and the CCPA Regulations (Cal. Civ. Code §§ 1798.100 to 1798.199.95; Cal. Code Regs. tit. 11, §§ 7000 to 7102; see [Practice Note, California Privacy Laws \(CCPA and CPRA\): Impact on Employers: Notice at Collection](#)).

Amended several times since its initial passage, the CCPA went into effect January 1, 2020 and regulatory enforcement began on July 1, 2020. Regulations developed by the California Attorney General (California AG) implementing the CCPA became effective on August 14, 2020 (Cal. Code Regs. tit. 11, §§ 7000 to 7102). For more on these developments, see [Practice Note, Understanding the California Consumer Privacy Act \(CCPA\) and the California Privacy Rights Act \(CPRA\): History of the CCPA and CPRA](#).

On November 3, 2020, California voters approved a ballot initiative, Proposition 24, that will amend and expand the CCPA, the California Privacy Rights Act of 2020 (CPRA). The CPRA makes significant changes

to the CCPA, once most of its provisions take effective on January 1, 2023. For more information, see [Practice Note, Administering California Employee Privacy Rights Under the CPRA](#) and [Article, Expert Q&A: What Employers Need to Know About the California Privacy Rights Act \(CPRA\)](#). For more information on proposed regulations, see [CPRA Regulation Tracker](#).

For more information on customizing this notice, see [Drafting Note, Using This Standard Document](#).

Employees and job applicants are not covered by this notice. For a notice at collection that covers employees and applicants, see [Standard Document, CCPA Notice at Collection for California Employees and Applicants](#). For a general notice at collection, see [Standard Document, Notice at Collection \(CCPA and CPRA\)](#). For more on the CCPA's required consumer notices, including the notice at collection and privacy policy, see [Practice Note, Drafting CCPA and CPRA Notices and Privacy Policies](#).

For a broader discussion of the CCPA, including which businesses must comply with it, see [Practice Note](#),

Understanding the California Consumer Privacy Act (CCPA) and the California Privacy Rights Act (CPRA). For the full list of CCPA resources, see [California Privacy Toolkit \(CCPA and CPRA\)](#).

Workforce Data Exception

The CCPA grants consumers, defined as California residents, new rights regarding their personal information. Later amendments granted covered businesses a temporary compliance exception from most CCPA requirements until January 1, 2023 for personal information collected from California-based job applicants, employees, owners, directors, officers, medical staff members, or independent contractors (Workforce Members) only if collected and used:

- Solely within the context of that person's role.
- For that person's emergency contact information.
- To administer that person's benefits.

(Cal. Civ. Code § 1798.145(h); Cal. Code Regs. tit. 11, § 7001(i) (Workforce Data Exception)).

However, covered employers must still provide Workforce Members with a notice at or before the point of collecting personal information (Cal. Civ. Code §§ 1798.100(b) and 1798.145(h)(3); Cal. Code Regs. tit. 11, §§ 7001(l), 7010(b), and 7012).

Due to the amendments under the CPRA, Cal. Civ. Code § 1798.145(h) becomes Cal. Civ. Code § 1798.145(m).

For more on the Workforce Data Exception's full scope, see [Practice Note, California Privacy Laws \(CCPA and CPRA\): Impact on Employers](#).

Notice at Collection General Requirements

Under the CCPA, a business must provide a notice at collection any time it collects an independent contractor's personal information, including through:

- Online activities, such as by using cookies or other tracking methods that create individual profiles.
- Mobile or other internet-connected devices, such as collecting geolocation data from a phone.
- Offline activities, such as collecting information on a paper form.

- Oral collections, such as telephone or in person conversations.

The CCPA Regulations clearly prohibit the surreptitious collection of personal information (Cal. Code Regs. tit. 11, § 7012(a)(1), (5), (6); [CCPA ISOR](#) at 9).

Unless the business provides the required notice, it cannot:

- Collect any personal information from that person.
- Collect undisclosed personal information categories.
- Use collected personal information for additional purposes.

(Cal. Civ. Code § 1798.100(b); Cal. Code Regs. tit. 11, § 7012(a)(5), (6).)

Required Notice Content

With two exceptions, Workforce Member collection notices must follow the general notice at collection requirements. They must provide:

- A list of the personal information categories collected, presented in a way that provides Workforce Members with a meaningful understanding of what the business collects (see [Drafting Note, Personal Information Categories](#)).
- The intended use purposes for the personal information categories collected (see [Drafting Note, Intended Use Purposes](#)).

Workforce-related collection notices do not need to include a link to or online location for the business's:

- Do Not Sell My Personal Information notice, if applicable.
- Privacy policy.

(Cal. Code Regs. tit. 11, § 7012(b), (f).)

However, as a best practice, employers with workforce-specific privacy policies should provide a link on the collection notice to the applicable privacy policy.

For more on this exception and the CCPA's requirements for employers, see [Practice Note, California Privacy Laws \(CCPA and CPRA\): Impact on Employers](#).

Exception for Mobile Devices

The CCPA Regulations set additional requirements when the business collects information from mobile

devices. Collecting information from an independent contractor's mobile device requires an extra "just-in-time" notice summarizing the personal information categories collected and a link to the full collection notice whenever the information collected or the intended use purpose is one the consumer is not likely to reasonably expect (Cal. Code Regs. tit. 11, § 7012(a)(4); [CCPA FSOR](#) at 8-9).

For example, a contractor would not reasonably expect a flashlight application to need or collect geolocation information. The flashlight app collecting this unexpected information must therefore:

- Provide a just-in-time notice when the user opens the application, such as with a pop-up window.
- Disclose its collection of geolocation information and provide a link to the business's full collection notice.

(Cal. Code Regs. tit. 11, § 7012(a)(4).)

Notice Presentation and Format

The CCPA does not require a set notice format or presentation manner, as businesses use a wide variety of methods to collect personal information. Instead, they set a flexible standard requiring the business to ensure the chosen design is both:

- Easy for consumers to read and understand.
- Readily available where contractors encounter it before or at the point of collection.

(Cal. Code Regs. tit. 11, § 7012(a)(2), (3); [CCPA FSOR](#) at 7.)

Under the CCPA Regulations, the notice must:

- Use plain, straightforward language and avoid technical or legal jargon.
- Use a format that draws attention to the notice and makes it readable, including on smaller screens, if applicable.
- Translate the notice, if applicable, so it appears in the language the business ordinarily uses to provide contracts, policies, or other information to contractors.
- Ensure contractors with disabilities can reasonably access the notice by, for example:
 - following generally recognized industry standards, such as the Web Content Accessibility

Guidelines published by the World Wide Web Consortium for online notices (see [W3: Web Content Accessibility Guidelines \(WCAG\) Overview](#)); or

- for other contexts, describing how a contractor with a disability may access the policy in an alternative format.

(Cal. Code Regs. tit. 11, § 7012(a)(2)(a)-(d); [CCPA FSOR](#) at 7-8.)

Ensuring independent contractors readily encounter the notice at or before the point of collection requires businesses to consider both:

- Temporal proximity to the collection action, such as for online data captures.
- Physical proximity to the collection point, such as when businesses decide to conduct COVID-19 related temperature checks before allowing entry into a workplace (see [Practice Note, California Privacy Laws \(CCPA and CPRA\): Impact on Employers: Box: COVID-19 Temperature and Health Screenings](#)).

([CCPA FSOR](#) at 4 and 6.)

To help businesses put these obligations into context, the CCPA Regulations provide several examples of appropriate collection notices for different business circumstances. When a business collects an independent contractor's personal information:

- Online, it may post a conspicuous link to the collection notice on both:
 - the website's introductory page; and
 - all webpages that collect personal information.
- By using a mobile app, it may provide a link to the collection notice on both:
 - the mobile app's download page; and
 - the app's settings menu or similar internal location.
- Offline, it may:
 - add the notice on printed forms that collect personal information;
 - provide a paper notice to the Workforce Member; or
 - post prominent signage directing the Workforce Member to an online link for the notice.

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- Orally, such as by telephone or in-person conversations, it may provide the notice orally.

(Cal. Code Regs. tit. 11, § 7012(a)(3)(a)-(d); [CCPA FSOR](#) at 8.)

Special Rule for Online Collections

While the collection notice is different from the business's general privacy policy, the CCPA Regulations do permit a business that collects personal information online to embed the required collection notice in its privacy policy if both:

- The website collection point provides a direct link to a specific collection notice section within the general privacy policy.
- That section contains all the information on the website's collection activities in the same manner required for a compliant collection notice.

(Cal. Code Regs. tit. 11, § 7012(c); [CCPA ISOR](#) at 9.)

Using This Standard Document

This Standard Document assumes that:

- The CCPA applies to the business.
- The Workforce Data Exception applies to the collected information.

However, businesses must carefully review whether they collect and use their independent contractors' personal information for purposes that fall outside of the exception. If so, a business must comply with the broader CCPA Regulations, such as providing their contractors with notice to opt out of personal information sales. For more information on the broader CCPA Regulations and coverage scope, see [Practice Note, Understanding the California Consumer Privacy Act \(CCPA\) and the California Privacy Rights Act \(CPRA\): Consumer Rights and Jurisdictional Scope and Key Definitions](#).

Businesses should customize this notice for specific independent contractors based on the actual information being collected and their use purposes. They should also consider including a collection notice as part of their written independent contractor agreement. For a sample agreement, see [Standard Document, Independent Contractor/Consultant Agreement \(Pro-Client\) \(CA\)](#).

Bracketed Items

Complete bracketed items in ALL CAPS with the specific and relevant facts. Bracketed items in sentence case are either optional provisions or include alternative language choices that the drafting party should select, add, or delete in its discretion.

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[COMPANY NAME] collects and uses Personal Information for contracting, health and safety, and business-related purposes and to be in legal compliance. Below are the categories of Personal Information we collect and the purposes for which we intend to use this information:

- **[Identifying information]**, such as your full name, gender, and signature.]
- **[Contact information]**, such as your home address, telephone numbers, email addresses, and emergency contact information.]
- **[Educational and professional background]**, such as your work history, contracting history, academic and professional qualifications, educational records, references, and interview notes.]
- **[Contract engagement details]**, such as your title, service dates, and amount of contract or engagement.]
- **[Financial information]**, such as your banking details and tax information.]
- **[Health and Safety information]**, such as workplace illness and injury information, if required.]
- **[Information Systems (IS) information]**, such as your search history, browsing history, login information, and IP addresses on the Company's information systems and networks.]
- **[Biometric information]**, such as [facial recognition][, fingerprints][, iris or retina scans][, keystroke][, or other physical patterns][, and [OTHER]].]

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- **[Geolocation data]**, such as time and physical location related to use of an internet website, application, device, or physical access to a Company office location.]
- **[Sensory or surveillance information]**, such as COVID-19 related temperature checks and call monitoring and video surveillance.]
- [OTHER INFORMATION CATEGORY.]

The Company collects Personal Information to use or disclose as appropriate to:

- Comply with all applicable laws and regulations.
- [Evaluate independent contractors in deciding to engage in their services.]
- [Manage your contracting relationship with us, including for:
 - payment administration;
 - the creation, maintenance, and security of your online accounts;
 - reaching your emergency contacts when needed, such as when you are not reachable or are injured or ill [./; and]
 - [OTHER PURPOSE.]]
- Manage and monitor your access to company facilities, equipment, and systems.
- Conduct internal audits and investigations.
- Investigate and enforce compliance with and potential breaches of Company policies and procedures.
- Engage in corporate transactions requiring review of independent contractor records, such as for evaluating potential mergers and acquisitions of the Company.
- Administer and maintain the Company's operations, including for safety purposes.
- Exercise or defend the legal rights of the Company and its employees[, / and] [affiliates,] customers[, contractors, and agents].

If you have any questions about this Notice or need to access this Notice in an alternative format due to having a disability, please contact [COMPANY EMAIL ADDRESS] [and] [COMPANY PHONE NUMBER].

DRAFTING NOTE: NOTICE AT COLLECTION

Personal Information Categories

The CCPA Regulations require the collection notice to use personal information category descriptions that provide consumers with a meaningful understanding of the information collected (Cal. Code Regs. tit. 11, § 7012(b)(1)). When drafting the notice, the business should select the information categories that most closely match the specific information collected and provide any additional descriptions and examples needed to clearly inform Workforce Members about the collection's scope.

To streamline collection notices provided online, the businesses may consider moving the personal

information examples listed to a pop-up box that appears when a user hovers over or clicks on a hyperlink connected to the bolded personal information category. For a table providing detailed descriptions and examples of the CCPA's 11 personal information categories, see [Standard Document, CCPA Privacy Notice for California Residents: Information We Collect](#).

Intended Use Purposes

The collection notice must disclose the business purposes for which personal information collected will be used (Cal. Civ. Code § 1798.100(b); Cal. Code Regs.

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tit. 11, § 7012(b)(2); [CCPA FSOR](#) at 10). If the purposes are not role-related, the Workforce Data Exception does not apply and businesses must comply with the wide range of CCPA obligations.

The CCPA's purpose limitation clause prohibits using collected personal information for purposes not listed in the notice or uses unrelated to those purposes (Cal. Civ. Code § 1798.100(b)). Therefore, the business should ensure that the notice comprehensively describes both current and reasonably anticipated use cases.

When describing the business's use purposes, the drafter should carefully review how and why the business uses the specific personal information

connected to the disclosure notice to provide clear, comprehensive, and accurate disclosures. It should delete any use purposes that do not relate to the personal information collected under the notice and add any intended use purposes that are not listed.

For more information on the Workforce Data Exemption, see [Practice Note, California Privacy Laws \(CCPA and CPRA\): Impact on Employers](#). For more on describing business purposes and additional draft language, see [Standard Document, CCPA Privacy Notice for California Residents: Use of Personal Information](#). For more on the CCPA's business purpose definition, see [Practice Note, Drafting CCPA and CPRA Notices and Privacy Policies: Business or Commercial Purpose](#).

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