



February 18, 2025

California Privacy Protection Agency
2101 Arena Boulevard
Sacramento, CA 95834

Dear Board Members, Interim Executive Director Garcia and Agency Staff,

Our organizations appreciate the opportunity to provide recommendations in response to the California Privacy Protection Agency's (CPPA) request for comments on proposed regulations for the California Consumer Privacy Act (CCPA). We commend former Executive Director Soltani, Interim Executive Director Garcia, Agency staff, and members of the Board for their commitment and dedication to giving guidance to California businesses, consumers, workers, and renters on the most important and consequential data privacy policy in the U.S.

We believe that the CPPA's proposed rulemaking package related to risk assessments and automated decision-making technology (ADMT) will provide people in California with critical rights to transparency and recourse when these systems are used to make determinations about their access to housing, their workplace conditions, their rights as patients in healthcare settings, in the courts, and important aspects of their lives.

AI and other digital technologies will exercise considerable influence on the economic opportunity of Californians for decades—for many, even lifetimes—to come. Automated decision-making technology is already used to determine outcomes and livelihoods. For example:

- Workers' Wages - Wage-setting algorithms are withholding delivery driver bonuses for road safety issues caused by other drivers.¹

¹ Review, Columbia Law. "ON ALGORITHMIC WAGE DISCRIMINATION." Columbia Law Review, <https://www.columbialawreview.org/content/on-algorithmic-wage-discrimination/>. Accessed 16 Dec. 2024.

- Race and Gender Equity - Predictive hiring tools can filter and screen applicants' access to employment based on models that reflect bias.²
- Health and Safety - Amazon workers report being monitored and subject to targets that they say can speed the pace of work and can result in injury.³
- Access to Housing - 37% of California landlords in a recent study reported following the direction of AI tenant screening tools without applying their own discretion when deciding whether to approve or deny rental applicants.⁴
 - That same study found that only 3% of California renters knew about the third-party AI companies determining their access to housing.
- Senior Healthcare: Insurance algorithms with a 90% error rate have been used to deny seniors' Medicare claims.⁵

Common sense privacy and data rights can equip people with the information necessary to navigate this new reality in which AI and ADMTs control the conditions of our lives. Developers must regularly conduct risk and impact assessments on the technology, disclose the personal data collected, and make readily available the right to opt out of being subject to algorithmic systems. Privacy is not just about how data is collected but also how it is used and the ability for people to control their data.

To ensure meaningful protection for people in California, we urge the privacy agency to strengthen the draft regulations by:

² Bogen, Miranda, and Aaron Rieke. "Help Wanted: An Examination of Hiring Algorithms, Equity, and Bias." Upturn, 2018. <https://www.upturn.org/reports/2018/hiring-algorithms/>. <https://doi.org/10.1038/s41586-024-07856-5>. Goodman, Rachel, "Why Amazon's Automated Hiring Tool Discriminated Against Women." American Civil Liberties Union, 12 Oct. 2018, <https://www.aclu.org/news/womens-rights/why-amazons-automated-hiring-tool-discriminated-against>.

³ Frick, Will Evans, Rachel de Leon, Katharine Mieszkowski, Soo Oh, Andy Donohue, Esther Kaplan, Matt Thompson, Nikki. "How Amazon Hid Its Safety Crisis." Reveal, 29 Sept. 2020, <http://revealnews.org/article/how-amazon-hid-its-safety-crisis/>. Evans, Will, and Katherine Long. "Amazon's relentless pace is injuring workers and violating law, Washington state regulator says." Reveal, 25 May 2021, <https://revealnews.org/article/amazons-warehouse-conditions-violated-safety-protections-regulator-finds/>.

⁴ TechEquity. "Screened Out of Housing - July 2024 Research Paper." TechEquity Collaborative, 24 July 2024, <https://techequity.us/2024/07/24/screened-out-of-housing-research-paper/>.

⁵ Mole, Beth. "UnitedHealth Uses AI Model with 90% Error Rate to Deny Care, Lawsuit Alleges." Ars Technica, 16 Nov. 2023, <https://arstechnica.com/health/2023/11/ai-with-90-error-rate-forces-elderly-out-of-rehab-nursing-homes-suit-claims/>.



- Expanding the definition of Automated Decisionmaking Technology to ensure that the new regulations avoid loopholes that miss critical areas of coverage.
- Strengthening notice and access rights so people have transparency when an ADMT has been used to make a decision about them.
- Restoring a meaningful right for people to opt out of consequential ADMT systems.
- Strengthening the required elements of risk assessments.
- Clarifying the role of community stakeholders in risk assessments.
- Strengthening the power of the California Privacy Protection Agency to act on risk assessments.

California has a historic opportunity to lead the U.S. in establishing critical transparency, disclosure, and validation requirements for ADMTs. But it will require recognizing workers, renters, and other impacted groups as key stakeholders in understanding and managing our datafied society. The CCPA was designed to ensure that people in California have the tools necessary to advocate for their rights in the 21st-century data-driven economy. The Board must use this rulemaking process to affirm the intent of the law and balance the industry's immense power with privacy and data autonomy for Californians. The CPPA is fulfilling its mandate when it recognizes this dynamic and pursues rules such as these that clarify our rights over the personal information businesses collect about us and how we can exercise these rights.

As AI and ADMTs scale into nearly every facet of modern life, the CPPA's sustained attention to data-driven technologies in the workplace, the housing sector, and across the economy can mean the difference between a future in which people can successfully exercise their rights in a digital economy. California can lead the way and ensure that everyday people have common sense protections and resources to ensure fair housing, affordable healthcare, and equitable employment. Thank you for the opportunity to provide feedback during this important rulemaking process.

Sincerely,
TechEquity Action
People's Tech Project