Amendments to California Consumer Privacy Act (CPPA):
AI Training - SPONSOR

Legislation prohibiting CCPA covered-businesses that develop AI systems or tools from using the PI of consumers under the age of 16 to train their AI systems, without affirmative authorization.

AB 2877, authored by Calif. Assemblymember Bauer-Kahan (16th Assembly District)

Why do we need AB 2877? When social media platforms launched 20 years ago, policymakers in California and throughout the U.S. did not understand or foresee the non-economic consequences of this now dominant communications technology. The results of that indifference are now clear as research shows that, for young people in particular, the influence of social media platforms and the constant pull to be online 24/7 has had significant consequences for the mental and physical well-being of kids.

With the advent of AI and other advanced technologies, lawmakers and regulators must establish guardrails now, not 10 or 20 years from now, to ensure that AI and other new technology is safe for our society, and especially for our children. If we do not establish these guardrails, we will consign the next generation to potentially significant risks without having stopped to decide whether they are risks worth taking.

Among the many risks of AI, one of them is the potential to weaken or evade data privacy protections for minors. AB 2877 takes a simple but important step in ensuring that data collection through AI training models is aligned with the California Consumer Privacy Act (CCPA). Responsible and trustworthy AI is pro-innovation.

What does AB 2877 do?
● For minors under 16, the CCPA prohibits a business from selling or sharing the personal information of a consumer if the business has "actual knowledge," including willful disregard, that the consumer is less than 16 years of age, without affirmative authorization (consent from the child between the ages of 13-15, or the child's parent or guardian if the child is less than 13).
● AB 2877 amends the CCPA in response to privacy concerns related to how AI systems and tools are developed and trained. Specifically, the bill prohibits the use of personal information ("PI") of children under the age of 16 in the training of AI systems.
  ■ Unless, the developer of the AI system gets affirmative authorization to use the data; AND
  ■ Even when this authorization is given, the data must be deidentified and aggregated before being used to train an AI system or tool.
● AB 2877 applies to CCPA covered businesses, as well as AI nonprofits meeting CCPA thresholds, and AI services for use in schools.
● AB 2877 has exceptions for imminent threats to physical health and safety.

How does AB 2877 relate to AB 1949? AB 1949 also makes important updates to the CCPA, including adding protections for the data of 16 and 17 year old Californian's by increasing the age of children covered under the law. It also increases the knowledge standard of the CCPA to include consumers that the business 'knew or should have known' were under the age of 18. If AB 1949 passes, these updates would also apply to AB 2877. Common Sense strongly supports that bill as well.