

OOPS, He Did It Again

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California governor Gavin Newsom has signed a trio of new privacy measures into law, including a measure to facilitate consumer use of opt-out preference signals (OOPS) on web browsers.

By Cynthia Martens

California Governor Gavin Newsom signed three new bills into law on October 8, giving consumers greater control over their privacy and personal data online and raising hackles in the tech and advertising sectors.

Assembly Bill 656 requires social media companies to make it easier for consumers to automatically delete their personal data if they abandon the platforms. Senate Bill 361 bolsters existing state law protections by giving consumers additional information about the types of personal data that brokers collect. And, perhaps most controversially, Assembly Bill 566, also known as the California Opt Me Out Act, amends the California Consumer Privacy Act by requiring web browsers to carry an opt-out preference signal, such that consumers can reject all requests to consent to sales of personal data in one fell swoop, rather than having to make their preference known across multiple websites.

The Opt Me Out Act, which will become effective on January 1, 2027, "puts the power back in consumers' hands and makes exercising your privacy rights at scale as simple as clicking a button in your browser," said Tom Kemp, executive director of the California Consumer Privacy Agency, which sponsored the new legislation.

The Network Advertising Initiative (NAI) President and CEO Leigh Freund issued a press statement expressing concerns about the potential impact of the Opt Me Out Act. "While the NAI supports easy to use consumer controls, I'm disappointed that California is mandating browser-based opt-out preference signals without safeguards to ensure that those signals represent authentic, valid consumer choices," he said. "Browsers are the gateway to the free and open internet, and browser-

based signals should be free of anti-competitive default settings that unfairly disadvantage ad-supported businesses."

As the tech and advertising industries adjust their business practices to comply with the Opt Me Out Act, we'll be watching for any further modifications to the law that may arise before its effective date.

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