



Internal Controls Manual for LCPtracker’s Workforce Manager¹

¹ This Manual addresses the California Consumer Protection Act, Operative as of 01/01/20. (Civil Code §§ 1798.100, et seq. [except that Section “W” includes security protocol as mandated by AB 1130, signed by Governor Newsom on 10/11/19].) All statutory references are to California law.



Introduction

Workforce Manager is a database of worker information, which has as major goals (a) obtaining employment for said workers; (b) servicing under-represented and distressed communities of workers; (c) aiding governments in achieving goals that they may have in servicing such communities; and, (d) helping contractors find qualified workers. Workforce Manager is operated by LCPtracker, Inc. (“LCPtracker”).

These internal controls are designed to satisfy the California Consumer Privacy Act of 2018, which is operative on 01/01/20.

Controls dependent on a “verifiable consumer request:”

Any of the below controls that depend on a “verifiable consumer request” cannot, and thus will not, be implemented until the Attorney General’s requirements (listed below) come to fruition.

Here’s why. “‘Verifiable consumer request’ means a request that is made by a[n] individual [or an individual or entity] registered with the Secretary of State, authorized by the subject individual to act on [said individual’s] behalf, and that [LCPtracker] can reasonably verify, *pursuant to regulations adopted by the Attorney General*² pursuant to [Civil Code §1798.185(a)(7)] to be the [individual] about whom [LCPtracker] has collected personal information.”³ Those regulations haven’t even begun to have been written at the time of the composition of the Internal Control Manual.

Until the Attorney General adopts the above-mentioned regulations it is manifestly impossible to know what a “verifiable consumer” is; thus, it is manifestly impossible to know what a “verifiable consumer request” is; thus it is manifestly impossible for LCPtracker to reasonably verify, *pursuant to regulations adopted by the Attorney General* pursuant to Civil Code §1798.185(a)(7) to be the consumer about whom [LCPtracker] has collected personal information.”

² Italics added.

³ Civil Code §1798.140(y).



The Attorney General is only required to *begin* the regulation-adoption process on or before 07/01/20.⁴

A note about the words “consumer” and “individual:”

The Consumer Privacy Act of 2018, operative on 01/01/20 defines “consumer,” with only a minor adjective phrase, as “a natural person [meaning human being] who is a California resident.”⁵ Since LCPtracker’s Workforce Manager is a national project, that includes many Californians; and, since California’s Consumer Privacy Act of 2018 appears to be the gold standard of privacy laws, LCPtracker has chosen to utilize that law for its Internal Controls, changing the word “consumer” to the word “individual,” as context requires.

Controls that say that LCPtracker will do or not do something:

There are controls herein that say that LCPtracker will do or not do something. Any of those controls may be restricted by other controls. For instance, there may be a control that says that LCPtracker will disclose something; but, then there may be another control that restricts such disclosure. Thus in order to understand these controls, they must be read as a whole.

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⁴ Civil Code § 1798.185.

⁵ Civil Code § 1798.140(g).



A. Definitions:⁶ The following definitions apply to this Internal Control Manual. For purposes of this these Control, the following definitions apply:

1. “Aggregate consumer information” means information that relates to a group or category of individuals, from which one or more individual identities have been removed, that is not reasonably linkable to any particular individual.
2. “Individual” means a human being.
3. “Entity” means a proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of individuals/entities acting in concert.
4. “Personal information” means information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked with a particular individual. Examples of personal information are listed below.

So long as any of the following items could reasonably be linked or associated with a particular individual, then that item is personal information:

- a. An identifier such as a real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, social security number, driver’s license number, state identification number, or passport number.
- b. A signature.
- d. A social security number.
- c. Physical characteristics or description.
- d. An insurance policy number.

⁶ Derived from Civil Code § 1798.140, relevant to Workforce Manager.



- e. An individual's education.
- f. Professional, employment or employment history.
- g. A bank account number.
- h. A credit card number.
- i. A debit card number.
- j. Financial information.
- k. Medical information.
- l. Characteristics of "protected classifications" under California or federal law, such as race, sex, and sexual orientation.
- m. Commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.
- n. Internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding a consumer's interaction with an Internet Web site, application, or advertisement.
- o. Non-publicly available educational data.
- p. Inferences drawn from other personal information to create a profile of an individual about an individual's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.
- q. Telephone number.
- r. Health insurance information.



5. “Verifiable consumer request” means a request that is made by (i) an individual (ii) an entity or another individual acting on behalf of the the individual mentioned in (i), who/which makes the request of LCPtracker pursuant to these Controls or the California Consumer Privacy Act of 2018, so long as LCPtracker can reasonably verify the validity of said requester’s right to make said request, pursuant to regulations adopted by California’s Attorney General.⁷
6. “Business purpose” means the use of personal information for LCPtracker’s operational purposes if the use of subject personal information is reasonably necessary and proportionate to achieve the operational purpose for which the personal information was collected.
7. “Sell,” “selling,” “sale,” or “sold,” as those words relate to personal information and these rules, mean selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer’s personal information by the business to another business or a third party for monetary or other valuable consideration.
 - B. Notwithstanding A.7. an individual does not sell his/her personal information if he/she uses or directs LCPtracker to intentionally disclose his/her personal information, or uses LCPtracker to intentionally interact with a third party, provided the third party does not sell his/her personal information, unless that disclosure would be consistent with the provisions of this Civil Code §§ 1798.100, et seq.⁸
 - C. To the extent practicable, all parties who obtain personal information that is then deposited into Workforce Manager must obtain the direction of each individual whose information is so deposited, for said depositor to so deposit. Said direction must come after the individual is given an opportunity to learn about the general contours and goals of Workforce Manager.⁹

⁷ Civil Code §1798.185(a)(7). LCPtracker will not respond to an information request that is not in such a form. (Civil Code §§1798.100(c) & 1798.140(y).

⁸ Civil Code §1798.140(t)(2)(A).

⁹ LCPtracker hereby notices all individuals that it may sell said individuals’ personal information, for the purposes for which Workforce Manger exists, as those purposes have been previously described.



- D. An individual can “opt-out” of allowing the sale of his/her personal information.¹⁰ LCPtracker will make available a form for such opting-out, and that form will be reasonably accessible to individuals.¹¹
1. LCPtracker will have a clear and conspicuous link on www.lcptracker.com's homepage, titled “Do Not Sell My Personal Information,” to an internet page that enables an individual or his/her authorized representative, to opt-out of the sale of the subject individual’s personal information.
 2. LCPtracker will not accept any personal information about any individual under the age of 16.¹²
 3. LCPtracker will include a description of an individual’s right to opt-out of any sale of his/her personal information, along with a separate link to the “Do Not Sell My Personal Information” internet page in its online privacy policy.¹³
 4. LCPtracker will ensure that all individuals responsible for handling individuals’ inquiries about LCPtracker’s privacy practices of compliance with Civil Code §§ 100, et seq. are informed of all requirements in Civil Code §§1798.120 and 1798.135, and how to direct consumers to exercise their rights thereunder.
 5. LCPtracker will not sell the personal information of those who have exercised the option to opt-out of such a sale.
 6. LCPtracker will use any personal information collected from the subject individual in connection with the submission of an opt-out request only for purposes of enforcing that request.

¹⁰ Civil Code § 1798.120(a); Civil Code § 1798.135(a).

¹¹ Civil Code § 1798.120(a).

¹² See Civil Code §1798.120(c) & (d).

¹³ Civil Code § 1798.135(a)(2)(A).



- E. An individual has the right to request that LCPtracker:
1. Disclose and deliver to the subject individual the personal information that it has on that individual;¹⁴
 2. Delete any personal information about that individual from Workforce Manager.¹⁵
- F. LCPtracker will make available at least two methods for an individual to submit a request for disclosure or deletion of personal information that LCPtracker has about that individual. Those methods include:
1. A toll-free number, which is 877-247-0144.
 2. A form that can be submitted over the internet. That form and submission instructions are at www.lcptracker.com/ccpa.¹⁶
- G. As soon as is practicable, LCPtracker should determine if the request for information mentioned in “F” is a “verifiable consumer request.”¹⁷
- H. Within 45 days of LCPtracker receiving a verifiable consumer request for an individual’s personal information, LCPtracker will disclose and deliver the required information to the subject individual. This will be done at no charge to the subject individual.¹⁸

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¹⁴ Civil Code § 1798.130(a)(2).
¹⁵ Civil Code § 1798.105(a).
¹⁶ Civil Code § 1798.130(a)(1).
¹⁷ Civil Code § 1798.130(a)(2).
¹⁸ Civil Code § 1798.130(a)(2).



- I.** Although LCPtracker will only disclose and deliver the required information in response to a verifiable consumer request, the requirement that the request be a verifiable consumer request will not increase the 45-day disclose and deliver deadline mentioned in “**H**”. That deadline (i) can only be extended by up to 90 days, (ii) only when necessary, taking into account the complexity and number of requests, and (iii) only if LCPtracker notifies the requesting individual of the extension, within the original 45 days.^{19,20} If LCPtracker has cause not to provide the requester with the requested information, it will:
- 1.** Inform the requester, without delay and at the latest within the time period permitted to respond as per “**I**” above, the reason(s) for not taking the requested action; and,
 - 2.** Inform the consumer of any right the consumer may have to appeal LCPtracker’s decision.²¹
- J.** The disclosure discussed in **F-I**, above, will cover the 12-month period preceding LCPtracker’s receipt of the verifiable consumer request.²²
- K.** The information required to be delivered because of LCPtracker’s receipt of a verifiable consumer request must be in writing.²³
- L.** The information mentioned in “**K**”, above will delivered either by the United States Postal Service or electronically, at the subject individual’s request, and will be delivered in a readily useable format.²⁴
- M.** LCPtracker will not require the requesting individual to create an account with the business in order to make a verifiable consumer request.²⁵

¹⁹ Civil Code § 1798.130(a)(2).
²⁰ Civil Code § 1798.145(g)(1).
²¹ Civil Code § 1798.145(g)(2).
²² Civil Code § 1798.130(a)(2).
²³ Civil Code § 1798.130(a)(2).
²⁴ Civil Code § 1798.130(a)(2).
²⁵ Civil Code § 1798.130(a)(2).



- N. If LCPtracker receives a verifiable consumer request to delete an individual's personal information from Workforce Manager, LCPtracker will:
1. Delete the required information from Workforce Manager; and,
 2. Demand that any of LCPtracker's service providers delete from its records, systems, writings, software, etc., all of the personal information that the requesting individual requests be deleted. For purposes of these controls "service provider" means without limitation any individual or entity upon which LCPtracker relies to support the content of, maintain the content of, support the infrastructure of or, maintain the infrastructure of Workforce Manager, who or which LCPtracker has reasonable ground(s) to think that said individual or entity may have personal information of the subject individual.^{26,27,28}
- O. Requestable personal information. An individual can request that LCPtracker provide him/her with the following, as that information relates to Workforce Manager:²⁹
1. The categories of personal information collected about that individual.
 2. The categories of sources from which the personal information is collected.
 3. LCPtracker's purpose for collecting or selling personal information.
 4. The categories of third parties with whom LCPtracker shares personal information.

²⁶ Civil Code § 1798.105(c).

²⁷ Except that LCPtracker will not delete the subject data or demand its deletion if it has to remain to (i) detect security incidents or unlawful activity; (ii) comply with a legal obligation. (See Civil Code §§1798.105(d) (2) & (8).)

²⁸ Civil Code § 1798.105(c).

²⁹ Civil Code § 1798.110(a).



5. The specific pieces of personal information that LCPtracker has collected about the subject individual.
 6. The categories of personal information about the subject individual, that LCPtracker has sold, or if LCPtracker has not sold personal information about the subject individual, LCPtracker will disclose that fact.³⁰
 7. The categories of personal information about the subject individual that LCPtracker has disclosed for a business purpose, or if LCPtracker has not so disclosed, LCPtracker will disclose that fact.
- P.** LCPtracker will maintain in its online privacy policy at www.lcptracker.com, a list of categories of personal information collected in the Workforce Manager program in the past 12 months. That list will be created by referring to “A.4”, above, and listing the categories of such personal information collected, that most closely match the categories thereat listed.³¹ This list will be reviewed at least every 12 months, and updated if necessary.
- Q.** LCPtracker will maintain in its online privacy policy, at www.lcptracker.com, a statement saying that all individuals have the following rights:³²
1. An individual will have the right to request that LCPtracker disclose to that individual the following. Such request may be made via telephoning LCPtracker (toll-free), at **877-247-0144** _____;³³ or by submitting a verifiable consumer request to the following Web Site address **www.lcptracker.com/ccpa**
 - a. The categories of personal information it has collected about that consumer.

³⁰ Civil Code §§ 1798.130(a)(4)(B); 1798.130(c); 1798.140(o)(1).

³¹ Civil Code §§ 1798.110(c), 1798.130(a)(5)(B), 1798.130(c), and 1798.140(o)(1).

³² Civil Code §§ 1798.130(a)(5)(A), 1798.105(a), 1798.110(c).

³³ However, if the Attorney General created regulations mentioned in these controls do not allow for a telephonic verifiable consumer request, this telephone number will be for information only.



- S. LCPtracker will not discriminate against any individual who exercises his/her rights under these rules and under Civil Code §§ 100, et seq.³⁶
- T. LCPtracker will not offer money financial incentives in exchange for personal information.³⁷
- U. LCPtracker will maintain reasonable security procedures and practices appropriate to Workforce Manager, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.³⁸
- V. LCPtracker will require via contract, that each party with which it contracts or otherwise shares Workforce Manager personal information, maintain the standards stated in “U”, above.³⁹
- W. LCPtracker will follow the breach of security protocol referenced in AB 1130 signed by Governor Newsom on 10/11/19, and set for codification at Civil Code 1798.82.
- X. LCPtracker will not provide personal information pursuant to these rules more than two times per 12-month period.⁴⁰

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³⁶ Civil Code § 1798.125(a).
³⁷ Civil Code § 1798.125(b).
³⁸ See AB 1130, signed by Governor Newsom on 10/11/19.
³⁹ See AB 1130, signed by Governor Newsom on 10/11/19.
⁴⁰ Civil Code § 1798.130(b).