

Classification Title: Attorney V	Branch/Division/Bureau: Legal Division
Working Title: Senior Privacy Counsel and Advisor	Office/Unit/Section/Geographic Location: Sacramento/ San Francisco/ Los Angeles
Position Number (13 Digit) / CBID: 411-100-5781-xxx / R02	Conflict of Interest Position: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
RPA Number: 23067	Work Schedule: Monday – Friday, 8:00 a.m. – 5:00 p.m.
Employee Name:	Effective Date:

CORE VALUES/MISSION: The California Privacy Rights Act of 2020 (CPRA) charges the California Privacy Protection Agency (CPPA) with protecting Californians’ privacy rights. The CPPA’s responsibilities include: 1) rulemaking in a highly complicated, technical, sometimes contested, and nuanced area; 2) supporting awareness across California’s diverse population on issues related to privacy and data security, including the new rights provided to them by the law; and 3) preparing for meaningful administrative enforcement of those rights.

POSITION CONCEPT: As the most senior privacy and data security legal expert, the Senior Privacy Counsel & Advisor (SPCA), Attorney V works independently and under the general direction of the General Counsel. This position is responsible for serving as the Agency’s top privacy protection legal expert, on highly sensitive and complex legal matters, across all the CPPA’s divisions, which include Legal, Policy and Legislation, Public Affairs, Enforcement, Information Technology, and Administration. This position will provide analyses and legal/policy recommendations to the Board, Executive Director, Deputy Executive Director, and Executive Staff, and will advise across all divisions on privacy and data security to ensure that policies and products are consistent with emerging and complex privacy legal standards.

This position at times may be required to personally perform the most difficult and complex litigation, negotiation, legislative liaison, hearings, legal research and opinion drafting for the agency.

SPECIAL REQUIREMENTS

This position is designated under the Conflict-of-Interest Code. The position is responsible for making or participating in the making of governmental decisions that

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may potentially have a material effect on personal financial interests. The appointee is required to complete Form 700 within 30 days of appointment.

ESSENTIAL FUNCTIONS

- 35% Provides agency management with legal advice on complex, sensitive, and shifting legal issues as the most senior subject matter expert on privacy and data security laws, and leads the agency in the development, implementation and maintenance of the CPPA's privacy and data security policies in coordination with executive management, administration, and legal counsel to ensure consistency in policies across divisions, and to ensure that the agency complies with applicable privacy laws, rules and regulations. Participates in the development, review, and adoption of complex legislation and regulations impacting privacy and data security in order to ensure that privacy and data security policies are designed to protect data from unauthorized access and disclosure. Provides legal analyses, advice, representation, and policy recommendations to the Executive Director, Deputy Executive Director, and executive staff on state, federal, and international laws, regulations, policies, and procedures related to the privacy of personal, confidential and sensitive information and implements and disseminates agency privacy policies and procedures, based on analysis of the laws, regulations, relevant case law, and research in this area, as an expert in the Executive team.
- 30% Advises the board, executive team, and subsequent divisions (legal/rulemaking, enforcement, policy, and public awareness) on the Agency's approach on privacy and data security laws and regulations. Serve as Agency representative and point of contact with external stakeholders, program partners, peer managers, Legislative and Executive Branch members, and state and federal agencies with overlapping enforcement jurisdiction with the Agency—including but not limited to, the Office of the Attorney General, and other state and federal departments—to engage in high-level discussions and consultations by making persuasive oral and written presentations and arguments to decision-makers regarding difficult and complex matters to achieve a positive result consistent with Agency goals, including the identification of immediate and downstream legal implications on administrative and court decisions. Leads various program areas in the implementation of corrective action plans by determining the appropriate action plan to mitigate and correct major security incidents and sets policy for breach risk assessment, documentation, and mitigation including coordinating required incident reporting to CPPA's executive management, State Office of Information Security and other entities. Evaluates the impact of laws, regulations and legislation on the agency's privacy and data security practices and will be a consultant in the review and development of Budget Change Proposals (BCP's) relating to privacy and data security laws and regulations. Oversees and sets

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policy on privacy awareness training, mandates, and compliance for departmental employees.

- 20% Serve as lead attorney supporting the most difficult and complex litigation before the Agency Board, State and Federal Courts and Federal regulatory agencies which involve the highest degree of importance. Serves as point of contact in areas of specialization, including working with specialized internal and external counsel, and leading subject matter teams. Interprets and applies laws and regulations on the court and administrative decisions for the department's responses to the most high-profile, complex, and sensitive matters pertaining to privacy law, data security and Public Records Act requests as well as subpoenas. Identifies potential legal or programmatic issues and recommends strategies and courses of action that mitigate or eliminate potential risks through innovative solutions and strategies based on sound legal research, analysis, and a thorough understanding of the department's obligations, practices, and mission as well as in alignment with the broader goals of the agency in order to provide expert privacy consultation on the CPPA's legal research, constitutional and procedural law to ensure the most complex, difficult, and sensitive legal activities are in compliance with existing law. Develops legal strategies on the most complex litigation cases and issues. Uses a high degree of independent judgment to establish and implement policies for the investigation of privacy and/or security complaints and incidents and works collaboratively with the Office of the Attorney General and other state and federal departments with overlapping jurisdiction with the Agency to manage complex litigation matters and following the legislative process at state and federal levels to understand how pending bills can affect cases and privacy policies, and advises executive management of potential impacts.
- 10% Identify appropriate long-range plans and goals for the Legal division to address succession planning and knowledge transfer by evaluating programs within the CPPA. Acts in a lead capacity to CPPA's Attorneys and other legal staff by providing guidance and support in the development and completion of proposed policies and regulations to ensure work supports CPPA's mission.

MARGINAL FUNCTIONS:

- 5% Performs other job-related duties as required by the Executive Director and the Deputy Executive Director.

WORK ENVIRONMENT OR PHYSICAL ABILITIES

- Professional office environment.
- Some travel required.
- Monday - Friday workweek with work outside of normal business hours, as needed. This position is eligible for telework 5 days a week, in accordance with the Statewide Telework Policy, and will be required to report to the office as

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needed/required. The successful candidate must reside in California upon appointment.

- Daily and frequent use of computer and variety of office software applications.
- Ability to occupy office workstation for extended periods of time.

I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Health & Safety Analyst.)

Employee Signature

Date

Printed Name

I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.

Supervisor Signature

Date

Printed Name