



Comments of

TechFreedom

Andy Jungⁱ

In the Matter of

Public Comment on CCPA Updates, Cyber, Risk, ADMT, and Insurance Regulations

June 2, 2025

ⁱ Andy Jung is Associate Counsel at TechFreedom, a nonprofit, nonpartisan technology policy think tank. He can be reached at ajung@techfreedom.org.

TABLE OF CONTENTS

Introduction	1
I. The CCPA Is a Privacy Statute, Not an Artificial Intelligence Regulation: Stretching Its Authority Risks Undermining the Agency.....	2
II. Conclusion	3

INTRODUCTION

TechFreedom is a nonprofit, nonpartisan think tank based in Washington, D.C. It is dedicated to promoting technological progress that improves the human condition. It seeks to advance public policy that makes experimentation, entrepreneurship, and investment possible and thus unleashes the ultimate resource: human ingenuity. TechFreedom champions a light-touch approach to artificial intelligence regulation¹ that promotes open-source development,² protects consumers from concrete harms,³ and upholds free speech under the First Amendment.⁴ TechFreedom regularly engages on privacy issues ranging from data collection and security⁵ to the Fourth Amendment⁶ to children's online privacy.⁷

¹ Corbin Barthold, 397: *AI Policy Potpourri (Part One)*, Tech Policy Podcast (Feb. 17, 2025), <https://podcast.techfreedom.org/episodes/397-ai-policy-potpourri-part-one>; Andy Jung, *Don't California My Texas: Stargate Edition*, TECHFREEDOM (Jan. 24, 2025), <https://techfreedom.substack.com/p/dont-california-my-texas-stargate>; Andy Jung, *'Unregulated AI' is a myth*, THE ORANGE COUNTY REGISTER (Apr. 1, 2024), <https://www.ocregister.com/2024/04/01/unregulated-ai-is-a-myth/>.

² TechFreedom, Comment on Managing Misuse Risk for Dual-Use Foundation Models (Sept. 9, 2024), <https://techfreedom.org/wp-content/uploads/2024/09/TechFreedom-NIST-AI-800-1-Comments.pdf>; Andy Jung, *California's AI Bill Threatens To Derail Open-Source Innovation*, REASON (Aug. 8, 2024), <https://reason.com/2024/08/13/californias-ai-bill-threatens-to-derail-open-source-innovation/>; *TechFreedom Delivers Remarks at FTC's August Open Commission Meeting*, TECHFREEDOM (Aug. 1, 2024), <https://techfreedom.org/techfreedom-delivers-remarks-at-ftcs-august-open-commission-meeting/>.

³ Andy Jung, *The FTC, AI, and Its Existing Authority*, STATE OF THE NET (Feb. 12, 2024), <https://sotn24.sched.com/event/1Z1C0/the-ftc-ai-and-its-existing-authority-how-the-commission-has-and-will-apply-its-authority-to-artificial-intelligence>; *TechFreedom Delivers Remarks at FTC Open Commission Meeting*, TECHFREEDOM (May 19, 2023), <https://techfreedom.org/techfreedom-delivers-remarks-at-ftc-open-commission-meeting-2/> (Remarks of Andy Jung).

⁴ TechFreedom, Comment on Disclosure and Transparency of Artificial Intelligence-Generated Content in Political Advertisements (Sept. 19, 2024), <https://techfreedom.org/wp-content/uploads/2024/09/TechFreedom-FCC-AI-Comments.pdf>; Letter from TechFreedom to the Senate Committee on Rules and Administration Re: S. 2770, The Protect Elections from Deceptive AI Act (May 14, 2024), <https://techfreedom.org/wp-content/uploads/2024/05/Coalition-Letter-S.-2770-The-Protect-Elections-from-Deceptive-AI-Act.pdf>; Ari Cohn, *A.I. Panic is Causing First Amendment Hallucinations...in Humans*, TECHFREEDOM (Jan. 29, 2024), <https://aricohn.substack.com/p/ai-panic-is-causing-first-amendment>.

⁵ *TechFreedom Delivers Remarks at FTC's Commercial Surveillance and Data Security Public Forum*, TECHFREEDOM (Sept. 8, 2022), <https://techfreedom.org/techfreedom-delivers-remarks-at-ftcs-commercial-surveillance-and-data-security-public-forum/>; TechFreedom, Comment on Trade Regulation Rule on Commercial Surveillance and Data Security (Nov. 21, 2022), <https://techfreedom.org/wp-content/uploads/2022/11/TechFreedom-Comments-Trade-Regulation-Rule-on-Commercial-Surveillance-and-Data-Security.pdf>.

⁶ Corbin Barthold, 395: *The Digital Fourth Amendment — With Orin Kerr*, Tech Policy Podcast (Jan. 23, 2025), <https://podcast.techfreedom.org/episodes/395-the-digital-fourth-amendment-with-orin-kerr>.

⁷ TechFreedom, Comment on Children's Online Privacy Protection Rule (Mar. 11, 2024), <https://techfreedom.org/wp-content/uploads/2024/03/TechFreedom-COPPA-Rule-Comments-3.11.2024.pdf>.

We write to commend the California Privacy Protection Agency (the Agency) for amending the Proposed Regulations on Automated Decisionmaking Technology (ADMT regulations) in response to comments from the public. In our initial comments, TechFreedom implored the Agency to narrow the proposed definition of “automated decisionmaking technology” to cover only automated technologies that directly implicate consumer privacy.⁸ We warned the agency that the proposed ADMT regulations threatened to shoehorn misguided artificial intelligence rules into the California Consumer Privacy Act (CCPA)—which is a privacy law, not an artificial intelligence regulation.

The Agency responded by striking all references to “artificial intelligence” from the modified ADMT regulations.⁹ Consequently, the Agency has addressed TechFreedom’s primary concerns in the ADMT rulemaking.

I. The CCPA Is a Privacy Statute, Not an Artificial Intelligence Regulation: Stretching Its Authority Risks Undermining the Agency.

Throughout the ADMT rulemaking process, CCPA architect and Agency board member Alastair Mactaggart has highlighted the risk and disutility of stretching the statute to regulate artificial intelligence:¹⁰

...[T]he ADMT language that’s in these regulations seeks to regulate much more than privacy. It seeks to basically regulate all use of AI with respect to humans much more stringently than any law that passed out of the legislature last year.

In addition, since we’ve last met, the governor’s task force on AI regulation, which our fellow board member Ms. Nonnecke participated in, has issued guidelines for AI regulation. And the legislature is currently considering, I think it’s safe to say, dozens of bills aimed at AI regulation.

There’s a robust effort in California to regulate AI now. And yet here we are, trying to regulate AI through the back door of privacy. *Let me repeat again, this is a privacy statute, not an AI regulation statute.*

⁸ TechFreedom, Public Comment on CCPA Updates, Cyber, Risk, ADMT, and Insurance Regulations § V (Feb. 19, 2025), <https://techfreedom.org/wp-content/uploads/2025/02/TF-Public-Comment-on-CCPA-Updates-Cyber-Risk-ADMT-and-Insurance.pdf#page=8>.

⁹ Modified Text of Proposed ADMT Regulations (May 9, 2025), CALIFORNIA PRIVACY PROTECTION AGENCY, https://cppa.ca.gov/regulations/pdf/ccpa_updates_cyber_risk_admt_mod_txt_pro_reg.pdf. *See also* Explanation of Modified Text of Proposed Regulations at 1, CALIFORNIA PRIVACY PROTECTION AGENCY (May 1, 2025), https://cppa.ca.gov/meetings/materials/20250501_item4_mod_text.pdf (“Deleted definition of ‘artificial intelligence’ as unnecessary and removed corresponding references.”).

¹⁰ *See* TechFreedom, *supra* note 8, at 4-5 (quoting Mactaggart, who criticized the breadth of the proposed ADMT regulations and raised concerns that they would fail to protect consumer privacy).

If we enact these regulations, this will be a complete gift to those seeking federal preemption of our entire bill and agency. This action will play right into the hands of those seeking to get rid of our agency permanently and provide concrete evidence to the critics out there that we're off course and need to be reined in.¹¹

Artificial intelligence is beyond the scope of the CCPA and the Agency's core competence. As artificial intelligence continues to proliferate, the Agency must resist the urge to stretch its authority to regulate the technology. Doing so would only serve to validate the concerns of the Agency's many critics.¹²

II. Conclusion

If the Agency moves forward with the ADMT regulations, it should retain the amended text from May 9, 2025, which deleted all references to "artificial intelligence." Moving forward, the Agency must not attempt to regulate artificial intelligence as a technology. Instead, the Agency may only regulate artificial intelligence—and automated technologies more generally—to the extent they directly implicate consumer privacy.

Respectfully submitted,

_____/s/_____
Andy Jung
Association Counsel
TechFreedom
ajung@techfreedom.org
1500 K Street NW, Floor 2
Washington, DC 20005

June 2, 2025

¹¹ California Privacy Protection Agency Board, Transcription of Recorded Public Meeting at 34-35 (Apr. 4, 2025), https://cppa.ca.gov/meetings/materials/20250404_audio_transcript.pdf#page=34 (emphasis added).

¹² See, e.g., Taylor Semakula, *Governor Newsom Urges Caution on CPPA's Proposed AI Regulations*, AMERICAN BAR ASSOCIATION (May 2, 2025), https://www.americanbar.org/groups/health_law/news/2025/5/governor-newsom-urges-caution-cppas-proposed-ai-regulations/; *CalChamber Submits Comments on CPPA's Proposed Privacy and Security Rules; Raises Concerns and Calls for Extended Compliance Timeline*, CALIFORNIA CHAMBER OF COMMERCE (Feb. 19, 2025), <https://advocacy.calchamber.com/2025/02/19/calchamber-submits-comments-on-cppas-proposed-privacy-and-security-rules-raises-concerns-and-calls-for-extended-compliance-timeline-2/>.