## **Sample Responses to Deletion Requests**

Below are three templates for responding to deletion requests. The templates vary based on the consumer’s interaction with the dealership. The forms increase in length depending on whether the consumer is merely a “window shopper,” has applied for credit, or has purchased products or service from the dealership. Your dealership may want to use only the longest and most comprehensive form for all deletion requests, similar to Template (iii) / Form RTD C, or you may want to use a variety of forms similar to these three samples:

1. **Consumer only visited** the dealership or its website, but did not apply for credit, purchase/lease a vehicle, buy parts or obtain repair services pursuant to a parts ticket or repair order (Form RTD A);
2. Consumer **applied for credit**, but did not purchase/lease a vehicle, buy parts or obtain repair services pursuant to a parts ticket or repair order (Form RTD B);
3. Consumer **purchased/leased a vehicle, bought parts and/or obtained repair services** pursuant to a parts ticket or repair order (Form RTD C).

*Template (i): this sample form is intended for consumers who visited the dealership or its website, but did not apply for credit, purchase/lease a vehicle, or buy parts or obtain repair services pursuant to a parts ticket or repair order. Note that online deletion requests require a secondary confirmation prior to deleting the information.*

**[DEALERSHIP]**

**RESPONSE TO REQUEST TO DELETE PERSONAL INFORMATION UNDER THE CALIFORNIA CONSUMER PRIVACY ACT**

To: [Name of Requester]

Date of receipt of request: \_\_\_\_\_\_\_\_\_\_

Date of response to request:\_\_\_\_\_\_\_\_\_\_

[*Name of Dealership*] (“Dealership,” “we,” “us” or “our”) respects the privacy of the information our customers entrust to us. We received a request to delete personal information\* made by you or on your behalf pursuant to the California Consumer Privacy Act (CCPA).

**Response to Request**

We are unable to locate in our records any personal information relating to you.

We are unable to confirm your identity. Your request to delete personal information is denied. Would you like to opt-out of the sale of your personal information? To do so, complete the opt-out form on our website at [*URL*].

Your request is deficient because it was not submitted through one of the designated methods or it is deficient in some other manner unrelated to the verification process. Enclosed with this response are directions on how to submit the request or remedy any deficiencies with the request.

We have processed your request by deleting information that is not subject to an exception. Such data was deleted by permanently and completely erasing the personal information on our existing systems with the exception of archived or back-up systems, de-identifying the personal information; or aggregating the personal information.

We have also notified third-parties with whom your data has been shared to delete any information that is not subject to an exception.

The Dealership will maintain a record of your request pursuant to Civil Code Section 1798.105(d).

For more information regarding our privacy practices and your rights under the California Consumer Privacy Act, view our Privacy Policy at [*INSERT URL FOR PRIVACY POLICY*].

\*“Personal information” does not include the following items, which are therefore not subject to deletion:

* Publicly available information, defined as information lawfully made available from federal, state, or government records;
* Protected health information;
* The sale of information to or from a consumer reporting agency for use in a consumer report;
* Personal information about a job applicant or a business’ employees (excluded from most provisions of the CCPA through December 31, 2020);
* Personal information provided in the context of a business to business communication/transaction (excluded through December 31, 2020);
* Personal information collected, processed, sold or disclosed pursuant to the Gramm-Leach-Bliley Act;
* Personal information collected, processed, sold or disclosed pursuant to the Driver’s Privacy Protection Act of 1994

(Rev 6/2020) Form RTD A

*Template (ii): this sample form is intended for consumers who applied for credit, but did not purchase/lease a vehicle, buy parts or obtain repair services pursuant to a parts ticket or repair order. Note that online deletion requests require a secondary confirmation prior to deleting the information.*

**[DEALERSHIP]**

**RESPONSE TO REQUEST TO DELETE PERSONAL INFORMATION UNDER THE CALIFORNIA CONSUMER PRIVACY ACT**

To: [Name of Requester]

Date of receipt of request: \_\_\_\_\_\_\_\_\_\_

Date of response to request:\_\_\_\_\_\_\_\_\_\_

[*Name of Dealership*] (“Dealership,” “we,” “us” or “our”) respects the privacy of the information our customers entrust to us. We received a request to delete personal information\* made by you or on your behalf pursuant to the California Consumer Privacy Act.

**Response to Request**

We are unable to confirm your identity. Your request to delete personal information is denied. Would you like to opt-out of the sale of your personal information? To do so, complete the opt-out form on our website at [*URL*].

Your request is deficient because it was not submitted through one of the designated methods or it is deficient in some other manner unrelated to the verification process. Enclosed with this response are directions on how to submit the request or remedy any deficiencies with the request.

We have processed your request by deleting information that is not subject to an exception (see below). Such data was deleted by permanently and completely erasing the personal information on our existing systems with the exception of archived or back-up systems, de-identifying the personal information; or aggregating the personal information.

We have also notified third-parties with whom your data has been shared to delete any information that is not subject to an exception.

**Exceptions to Requests for Deletion**

Although portions or your data will not be deleted at this time, we will remove your contact information from our marketing lists. We will retain portions of your data for the reasons that are checked below:

Statute(s) or regulation(s) requiring that we maintain documentation:

Credit applications by consumers who do not purchase or lease a vehicle from the Dealership must be retained for 25 months (12 Code of Federal Regulations § 202.12(b))

Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

To defend against potential legal claims, we retain records for the period of time set forth in our records retention schedule.

The Dealership will maintain a record of your request pursuant to Civil Code Section 1798.105(d).

For more information regarding our privacy practices and your rights under the California Consumer Privacy Act, view our Privacy Policy at [*INSERT URL FOR PRIVACY POLICY*].

\*“Personal information” does not include the following items, which are therefore not subject to deletion:

* Publicly available information, defined as information lawfully made available from federal, state, or government records;
* The sale of information to or from a consumer reporting agency for use in a consumer report;
* Personal information about a job applicant or a business’ employees (excluded from most provisions of the CCPA through December 31, 2020);
* Personal information provided in the context of a business to business communication/transaction (excluded through December 31, 2020);
* Personal information collected, processed, sold or disclosed pursuant to the Gramm-Leach-Bliley Act
* Personal information collected, processed, sold or disclosed pursuant to the Driver’s Privacy Protection Act of 1994

(Rev 6/2020) Form RTD B

*Template (iii): this sample form is intended for consumers who purchased/leased a vehicle, bought parts and/or obtained repair services pursuant to a parts ticket or repair order. Note that online deletion requests may require a secondary confirmation prior to deleting the information, since the deletion process cannot be undone.*

**[DEALERSHIP]**

**RESPONSE TO REQUEST TO DELETE PERSONAL INFORMATION UNDER THE CALIFORNIA CONSUMER PRIVACY ACT**

To: [Name of Requester]

Date of receipt of request: \_\_\_\_\_\_\_\_\_\_

Date of response to request:\_\_\_\_\_\_\_\_\_\_

[*Name of Dealership*] (“Dealership,” “we,” “us” or “our”) respects the privacy of the information our customers entrust to us. We received a request to delete personal information\* made by you or on your behalf pursuant to the California Consumer Privacy Act (CCPA).

**Response to Request**

We are unable to confirm your identity. Your request to delete personal information is denied. Would you like to opt-out of the sale of your personal information? To do so, complete the opt-out form on our website at [*URL*].

Your request is deficient because it was not submitted through one of the designated methods or it is deficient in some other manner unrelated to the verification process. Enclosed with this response are directions on how to submit the request or remedy any deficiencies with the request.

We have processed your request by deleting information that is not subject to an exception (see below). Such data was deleted by permanently and completely erasing the personal information on our existing systems with the exception of archived or back-up systems, de-identifying the personal information; or aggregating the personal information.

We have also notified third-parties with whom your data has been shared to delete any information that is not subject to an exception.

**Exceptions to Requests for Deletion**

Although portions of your data will not be deleted at this time, we will remove your contact information from our marketing lists. We will retain portions of your data for the reasons that are checked below:

**To complete a transaction**. Personal information is not deleted because it is needed to complete a transaction for which it was collected; provide a good or service requested by you or reasonably anticipated within the context of an ongoing business relationship with you; or otherwise perform a contract between us and you.

**To fulfill the terms of a written warranty or provide notification of a product recall** conducted in accordance with federal law.

**For certain internal uses**. Personal information is not deleted because it is needed solely for internal use in a lawful manner that is compatible with the context in which the information was provided.

**To comply with a legal obligation**. Personal information is not deleted because it is needed to comply with the following legal obligation(s):

Statute(s) or regulation(s) requiring that we maintain documentation:

All pertinent records directly concerned with vehicle sale or lease transactions must be retained for 3 years (13 California Code of Regulations § 272.00)

Odometer disclosure statements must be retained for 5 years (49 Code of Federal Regulations § 580.8)

Conditional sale contracts must be retained for 7 years (Civil Code § 2984.5)

For financed transactions, documents relating to credit worthiness must be retained for 7 years (Civil Code § 2984.5)

Credit applications by consumers who do not purchase or lease a vehicle from the Dealership must be retained for 25 months (12 Code of Federal Regulations § 202.12(b))

Vehicle service records must be retained for 3 years (Business and Professions Code § 9884.11)

Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

To defend against potential legal claims, we retain records for the period of time set forth in our records retention schedule.

The Dealership will maintain a record of your request pursuant to Civil Code Section 1798.105(d).

For more information regarding our privacy practices and your rights under the California Consumer Privacy Act, view our Privacy Policy at [*INSERT URL FOR PRIVACY POLICY*].

\*“Personal information” does not include the following items, which are therefore not subject to deletion:

* Publicly available information, defined as information lawfully made available from federal, state, or government records;
* Protected health information;
* The sale of information to or from a consumer reporting agency for use in a consumer report;
* Personal information about a job applicant or a business’ employees (excluded from most provisions of the CCPA through December 31, 2020);
* Personal information provided in the context of a business to business communication/transaction (excluded through December 31, 2020);
* Personal information collected, processed, sold or disclosed pursuant to the GLBA;
* Personal information collected, processed, sold or disclosed pursuant to the Driver’s Privacy Protection Act of 1994

(Rev 6/2020) Form RTD C