

Effective 5/12/2015

77-23d-105 Data use and retention.

- (1) Except as provided in Subsection (2), a government entity:
 - (a) may not use, copy, or disclose data collected using an imaging surveillance device on an individual or structure that is not a target; and
 - (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as reasonably possible after the government entity collects or receives the data.
- (2) A government entity is not required to comply with Subsection (1) if:
 - (a) deleting the data would also require the deletion of data that:
 - (i) relates to the target of the operation; and
 - (ii) is requisite for the success of the operation;
 - (b) the government entity receives the data:
 - (i) through a court order that:
 - (A) requires a person to release the data to the government entity; or
 - (B) prohibits the destruction of the data; or
 - (ii) from a person who is a nongovernment actor;
 - (c)
 - (i) the data was collected inadvertently; and
 - (ii) the data appears to pertain to the commission of a crime; or
 - (d)
 - (i) the government entity reasonably determines that the data pertains to an emergency situation; and
 - (ii) using or disclosing the data would assist in remedying the emergency.

Enacted by Chapter 447, 2015 General Session