

DIGITAL CERTIFICATES AND IDENTIFICATION AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Scott N. Howell

AN ACT RELATING TO DIGITAL SIGNATURES AND THE CHIEF INFORMATION OFFICER; PROVIDING FOR THE CREATION, MAINTENANCE, AND FUNDING OF A CENTRAL REPOSITORY FOR INFORMATION RELATING TO THE ISSUANCE OF DIGITAL CERTIFICATES BY GOVERNMENTAL ENTITIES; AUTHORIZING GOVERNMENTAL ENTITIES, PARTICULARLY COUNTY CLERKS, TO PARTICIPATE AND CHARGE FEES; AND ENUMERATING CHIEF INFORMATION OFFICER'S DUTIES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63D-1-301.5, as last amended by Chapters 18 and 307, Laws of Utah 1999

ENACTS:

46-3-601, Utah Code Annotated 1953

46-3-602, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **46-3-601** is enacted to read:

Part 6. Governmental Entity Participation

46-3-601. Central repository for digital certificate information -- Fee.

(1) The chief information officer shall:

(a) designate an existing state repository or create a new repository that is a secure, central repository for the maintenance of any appropriate information relating to the issuance of digital certificates; and

(b) develop policies regarding the issuance of digital certificates by governmental entities as provided in Section 63D-1-301.5.

(2) Any participating governmental entity may charge a fee to cover administrative costs and the fee required to be remitted to the state under Subsection (3).

(3) Of the fee collected by a participating governmental entity pursuant to Subsection (2),

a reasonable portion, as established by the chief information officer, shall be:

(a) remitted to the state agency maintaining the repository in Subsection (1)(a); and

(b) deposited in the General Fund as a dedicated credit for that state agency, to maintain the repository and assist in the issuance of the digital certificates pursuant to this part and Section 63D-1-301.5.

(4) Any money at the end of the fiscal year in excess of the dedicated credit required by Subsection (3) shall lapse to the General Fund.

(5) Any state agency permitting the public to transact business with the state agency through the use of a digital certificate may establish a transaction fee, pursuant to Section 63-38-3.2, a portion of which may be remitted to the licensed certification authority which issued the digital certificate being used.

Section 2. Section **46-3-602** is enacted to read:

46-3-602. County clerk participation and fee authorization.

A county clerk may:

(1) participate in the issuance of digital certificates to citizens to facilitate electronic transactions with governmental entities according to the digital certificate policy issued by the chief information officer pursuant to Section 63D-1-301.5; and

(2) charge a fee for the service in Subsection (1), a portion of which shall be remitted to the agency maintaining the state repository pursuant to Section 46-3-601.

Section 3. Section **63D-1-301.5** is amended to read:

63D-1-301.5. Chief information officer -- Duties.

(1) The chief information officer shall:

(a) develop specific information technology objectives, policies, procedures, and standards to guide the development of information systems within state government to achieve maximum economy and quality while preserving optimum user flexibility, including:

(i) policies, standards, and procedures for appropriate interchange of information, optimum service, and minimum costs;

(ii) policies for costing all information technology services performed by any state information

technology cost recovery center so that every cost recovery center charges its users a rate for services that is both equitable and sufficient to recover all the costs of its operation, including the cost of capital equipment and facilities;

(iii) policies governing coordination, cooperation, joint efforts, working relationships, and cost accounting relative to the development and maintenance of information technology and information systems; and

(iv) policies to ensure the protection of individual privacy and guarantee the exclusive control to a user of its own data;

(b) coordinate the preparation of agency information technology plans within state government, encompassing both short-term and long-term needs that support the agency's and the state's strategic plans, including Utah Tomorrow;

(c) require each state agency to submit semiannually an agency information technology plan containing the information required by Subsection (2) before the legislative session in which the budget request will be heard and no later than the June 15 after the legislative session in which the budget request was authorized to the chief information officer;

(d) upon receipt of a state agency's information technology plan:

(i) provide a complete copy of that plan to the director of the Division of Information Technology Services;

(ii) review and approve or disapprove agency information technology plans to ensure that these plans are the most economically viable and are the best solution to the agency's needs and the state's needs; and

(iii) approve or disapprove of and coordinate the acquisition of information technology equipment, telecommunications equipment, and related services for all agencies of state government;

(e) facilitate the implementation of agency plans;

(f) establish priorities in terms of both importance and time sequencing for the development and implementation of information systems;

(g) monitor information systems development to promote maximum use of existing state information resources;

(h) advise the governor on information technology policy and make recommendations to the governor regarding requests for appropriations for information technology equipment and personnel;

(i) maintain liaison with the legislative and judicial branches, the Board of Regents, the State Board of Education, local government, federal government, business and industry, and consumers to promote cooperation and make recommendations regarding information resources;

(j) conduct performance audits of state information technology management, planning, and the use of information technology resources and distribute copies of the audit reports as provided in Subsection (3);

(k) prepare an annual report to the governor and to the Legislature's Public Utilities and Technology Interim Committee and the Information Technology Commission that:

(i) summarizes the state's current and projected use of information technology; and

(ii) includes a description of major changes in state policy and a brief description of each state agency's plan;

(l) inform each state entity of the requirements of Section 63D-1-105; ~~and~~

(m) as permitted by law, coordinate the efforts of state government to provide services and transactions through the Internet[-];

(n) designate an existing state repository or create a new repository that is secure and central for the maintenance of any appropriate information relating to the issuance of digital certificates as provided in Section 46-3-601; and

(o) develop a digital certificate policy pursuant to Subsection (6).

(2) (a) Each state agency information technology plan shall include information about planned information technology objectives and expenditures for the next year in the level of detail and format specified by the chief information officer.

(b) The plans in Subsection (2)(a) shall include the progress of each state agency toward making the agency's services available on the Internet as provided in Section 63D-1-105.

(3) (a) Upon completion of an audit report produced under authority of Subsection (1)(j), the chief information officer shall:

(i) provide copies of all audit reports to:

- (A) the agency audited;
- (B) the governor;
- (C) the Office of Legislative Fiscal Analyst;
- (D) the Public Utilities and Technology Interim Committee; and
- (E) the Information Technology Commission; and

(ii) present the performance audit findings to the Information Technology Policy and Strategy Committee at their next meeting.

(b) Each state agency shall provide the chief information officer with complete access to all information technology records, documents, and reports, including electronic, analog, or digital, when requested for the purpose of a performance audit.

(4) The rate for services established by an information technology cost recovery center, and reviewed by the chief information officer, may be lowered if the Legislature appropriates monies to the cost recovery center for the specific purpose of lowering rates.

(5) (a) The chief information officer shall receive reports from the director of the Division of Information Technology Services regarding the division's:

- (i) budget;
- (ii) strategic plans, including services the division is or plans to offer agencies;
- (iii) major expenditure plans; and
- (iv) any other items determined jointly by the executive director and the chief information officer.

(b) The chief information officer shall have authority to approve or disapprove any of the items listed in Subsection (5)(a).

(6) The chief information officer shall:

(a) develop a digital certificate policy which includes:

(i) indicating the level of identity verification necessary for digital certificates issued by any governmental entity to be valid for transacting business online with state agencies and political subdivisions;

(ii) requiring any certification authority from which the digital certificates are acquired to be

licensed in the state pursuant to Title 46, Chapter 3, Utah Digital Signature Act;

(iii) providing for the security of the information in the repository, including who is permitted access to the information; and

(iv) indicating the appropriate use and retention of the information in the repository;

(b) assist governmental entities desiring to transact business with citizens electronically to develop programs using digital certificates; and

(c) designate the state repository pursuant to Section 46-3-601.