

1 **GOVERNMENTAL INTERNET INFORMATION**

2 **PRIVACY ACT**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Wayne A. Harper**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Information Technology Act to enact the Governmental Internet
10 Information Privacy Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ enacts provisions governing privacy policies and the collection of personally
14 identifiable information by a governmental entity; and
- 15 ▶ enacts provisions regulating the posting of personally identifiable information on a
16 court website.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **63D-2-101**, Utah Code Annotated 1953

24 **63D-2-102**, Utah Code Annotated 1953

25 **63D-2-103**, Utah Code Annotated 1953

26 **63D-2-104**, Utah Code Annotated 1953



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

29 Section 1. Section **63D-2-101** is enacted to read:

30 **CHAPTER 2. GOVERNMENTAL INTERNET INFORMATION PRIVACY ACT**

31 **63D-2-101. Title.**

32 This chapter is known as the "Governmental Internet Information Privacy Act."

33 Section 2. Section **63D-2-102** is enacted to read:

34 **63D-2-102. Definitions.**

35 As used in this chapter:

36 (1) (a) "Collect" means the gathering of personally identifiable information:

37 (i) from a user of a governmental website; or

38 (ii) about a user of the governmental website.

39 (b) "Collect" includes use of any identifying code linked to a user of a governmental
40 website.

41 (2) "Court website" means a website on the Internet that is operated by or on behalf of
42 any court created in Title 78, Judicial Code.

43 (3) "Governmental entity" means:

44 (a) an executive branch agency as defined in Section 63D-1a-102;

45 (b) the legislative branch;

46 (c) the judicial branch;

47 (d) the State Board of Education;

48 (e) the Board of Regents;

49 (f) an institution of higher education; and

50 (g) a political subdivision of the state:

51 (i) as defined in Section 17B-2-101; and

52 (ii) including a school district.

53 (4) (a) "Governmental website" means a website on the Internet that is operated by or
54 on behalf of a governmental entity.

55 (b) "Governmental website" includes a court website.

56 (5) "Governmental website operator" means a governmental entity or person acting on
57 behalf of the governmental entity that:

58 (a) operates a governmental website; and

59 (b) collects or maintains personally identifiable information from or about a user of
60 that website.

61 (6) "Personally identifiable information" means information that identifies:

62 (a) a user by:

63 (i) name;

64 (ii) account number;

65 (iii) physical address;

66 (iv) email address;

67 (v) telephone number;

68 (vi) Social Security number;

69 (vii) credit card information; or

70 (viii) bank account information;

71 (b) a user as having requested or obtained specific materials or services from a
72 governmental website;

73 (c) Internet sites visited by a user; or

74 (d) any of the contents of a user's data-storage device.

75 (7) "User" means a person who accesses a governmental website.

76 Section 3. Section **63D-2-103** is enacted to read:

77 **63D-2-103. Collection of personally identifiable information.**

78 (1) A governmental entity may not collect personally identifiable information related to
79 a user of the governmental entity's governmental website unless the governmental entity has
80 taken reasonable steps to ensure that on the day on which the personally identifiable
81 information is collected the governmental entity's governmental website complies with
82 Subsection (2).

83 (2) A governmental website shall contain a privacy policy statement that discloses:

84 (a) (i) the identity of the governmental website operator; and

85 (ii) how the governmental website operator may be contacted:

86 (A) by telephone; or

87 (B) electronically;

88 (b) the personally identifiable information collected by the governmental entity;

89 (c) a summary of how the personally identifiable information is used by:

- 90 (i) the governmental entity; or
- 91 (ii) the governmental website operator;
- 92 (d) the practices of the following related to disclosure of personally identifiable
- 93 information collected:
- 94 (i) the governmental entity; or
- 95 (ii) the governmental website operator;
- 96 (e) the procedures, if any, by which a user of a governmental entity may request:
- 97 (i) access to the user's personally identifiable information; and
- 98 (ii) access to correct the user's personally identifiable information; and
- 99 (f) without compromising the integrity of the security measures, a general description
- 100 of the security measures in place to protect a user's personally identifiable information from
- 101 unintended disclosure.

101a **h (3)(a) PERSONALLY IDENTIFIABLE INFORMATION IS NOT A CLASSIFICATION OF RECORDS**
 101b **UNDER TITLE 63, CHAPTER 2, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT.**
 101c **(b) ACCESS TO GOVERNMENT RECORDS IS GOVERNED BY TITLE 63, CHAPTER 2,**
 101d **GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT. h**

102 Section 4. Section **63D-2-104** is enacted to read:

103 **63D-2-104. Posting certain information on a court website.**

104 (1) Except as provided in Subsections (2) and (3), a court website:

105 (a) may not display personally identifiable information; and

106 (b) shall contain a conspicuous notice that includes a list of documents routinely posted
 107 on the court website.

108 (2) This section does not prohibit access to any original document as provided by law.

109 (3) This section does not apply to:

110 (a) the Registry of Judgments created in Section 78-22-1.5, if the Registry of
 111 Judgments complies with Subsection (3)(b);

112 (b) remote access to a document through a network or system that:

113 (i) is secure; and

114 (ii) provides restricted access through security standards developed by the court,
 115 including a registration requirement under which a prospective user must provide the
 116 prospective user's:

117 (A) identity;

118 (B) business or residence address; and

119 (C) citizenship status;

120 (c) postings related to legitimate law enforcement purposes;

- 121 (d) postings of documents filed or recorded more than 100 years prior to the posting;
- 122 (e) postings of:
- 123 (i) historical information;
- 124 (ii) genealogical information;
- 125 (iii) interpretive information about historic persons and events; or
- 126 (iv) educational information about historic persons and events; or
- 127 (f) postings of information instructing a user how to contact a website operator,
- 128 employee, or other representative of the court.

Legislative Review Note

as of 9-22-03 10:37 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Interim Committee Note

as of 12-10-03 11:14 AM

The Public Utilities and Technology Interim Committee recommended this bill.