

DATA PRIVACY AMENDMENTS

2020 FIFTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Keith Grover

LONG TITLE

General Description:

This bill enacts provisions relating to the collection, storage, and use of certain COVID-19 data.

Highlighted Provisions:

This bill:

- ▶ restricts the collection or use of certain electronic location information by the state to investigate or control COVID-19 without consent from the owner of the electronic location information;

- ▶ enacts provisions relating to the use and retention of certain identifiable information relating to COVID-19; and

- ▶ creates penalties for misuse of confidential identifiable information relating to COVID-19.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

63G-27-101, Utah Code Annotated 1953

63G-27-102, Utah Code Annotated 1953



28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

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

Section 1. Section **63G-27-101** is enacted to read:

CHAPTER 27. PANDEMIC RESPONSE DATA PRIVACY ACT

63G-27-101. Title.

This chapter is known as the "Pandemic Response Data Privacy Act."

Section 2. Section **63G-27-102** is enacted to read:

63G-27-102. COVID-19 data privacy requirements.

(1) As used in this section:

(a) "COVID-19" means the same as that term is defined in Section [78B-4-517](#).

(b) "Electronic location information" means location information as defined in Section [77-23c-101.2](#).

(c) "State agency" means a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of the executive branch of state government.

(2) A state agency may not collect personally identifiable electronic location information for the purpose of investigating or controlling COVID-19 unless the state agency obtains consent from the owner of the electronic location information.

(3) A person who enters into a contract with a state agency to collect or provide personally identifiable information regarding COVID-19:

(a) may not sell, offer for sale, or otherwise provide the personally identifiable information collected under the contract to any person other than the state agency; and

(b) may not retain the information collected under the contract in any form after the personally identifiable information is no longer necessary to fulfill the terms of the contract.

(4) A person who enters into a contract with a state agency to provide personally identifiable information regarding COVID-19 is guilty of a class B misdemeanor if the person:

(a) violates the requirements described in Subsection (3); or

(b) intentionally releases or makes public personally identifiable information collected under the contract with a state agency;

(c) if applicable, breaches the confidentiality provisions of Title 26, Chapter 6, Utah Communicable Disease Control Act.

Section 3. **Effective date.**

59 If approved by two-thirds of all the members elected to each house, this bill takes effect
60 upon approval by the governor, or the day following the constitutional time limit of Utah
61 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
62 the date of veto override.