

305 to a more restrictive or ~~H~~→ a more ~~←H~~ specific provision of law than found in this part, the
 305a governmental
 306 entity ~~H~~→ or contractor ~~←H~~ shall comply with the more restrictive or ~~H~~→ more ~~←H~~ specific
 306a provision of law.

307 (ii) For purposes of Subsection (1)(b)(i), Title 63G, Chapter 2, Government Records
 308 Access and Management Act, is a more ~~H~~→ [~~restrictive and~~] ~~←H~~ specific provision of law ~~H~~→
 308a and shall control over the provisions of this part ~~←H~~ .

309 (c) A governmental entity that is exempt under Section 63G-2-702, 63G-2-703, or
 310 63G-2-704 from complying with the requirements in Title 63G, Chapter 2, Part 6, Collection of
 311 Information and Accuracy of Records, is exempt from complying with the requirements in
 312 Sections 63A-19-402, 63A-19-403, and 63A-19-404.

313 (2) A governmental entity:

314 (a) shall implement and maintain a privacy program before May 1, 2025, that includes
 315 the governmental entity's policies, practices, and procedures for the process of personal data;

316 (b) shall provide notice to an individual or the legal guardian of an individual, if the
 317 individual's personal data is affected by a data breach, in accordance with Section 63A-19-406;

318 (c) shall obtain and process only the minimum amount of personal data reasonably
 319 necessary to efficiently achieve a specified purpose;

320 (d) shall meet the requirements of this part for all processing activities implemented by
 321 a governmental entity after May 1, 2024;

322 (e) shall for any processing activity implemented before May 1, 2024, as soon as is
 323 reasonably practicable, but no later than January 1, 2027:

324 (i) identify any non-compliant processing activity;

325 (ii) document the non-compliant processing activity; and

326 (iii) prepare a strategy for bringing the non-compliant processing activity into
 327 compliance with this part;

328 (f) may not establish, maintain, or use undisclosed or covert surveillance of individuals
 329 unless permitted by law;

330 (g) may not sell personal data unless expressly required by law;

331 (h) may not share personal data unless permitted by law;

332 (i) (i) that is a designated governmental entity, shall annually report to the state privacy
 333 officer:

334 (A) the types of personal data the designated governmental entity currently shares or
 335 sells;

336 (B) the basis for sharing or selling the personal data; and
337 (C) the classes of persons and the governmental entities that receive the personal data
338 from the designated governmental entity; and

339 (ii) that is a state agency, shall annually report to the chief privacy officer:

340 (A) the types of personal data the state agency currently shares or sells;

341 (B) the basis for sharing or selling the personal data; and

342 (C) the classes of persons and the governmental entities that receive the personal data
343 from the state agency; and

344 (j) (i) except as provided in Subsection (3), an employee of a governmental entity shall
345 complete a data privacy training program:

346 (A) within 30 days after beginning employment; and

347 (B) at least once in each calendar year; and

348 (k) is responsible for monitoring completion of data privacy training by the
349 governmental entity's employees.

350 (3) An employee of a governmental entity that does not have access to personal data of
351 individuals as part of the employee's work duties is not required to complete a data privacy
352 training program described in Subsection (2)(j)(i).

353 (4) (a) A contractor that enters into or renews an agreement with a governmental entity
354 after May 1, 2024, and processes or has access to personal data as a part of the contractor's
355 duties under the agreement, is subject to the requirements of this chapter with regard to the
356 personal data processed or accessed by the contractor to the same extent as required of the
357 governmental entity.

358 (b) An agreement under Subsection (4)(a) shall require the contractor to comply with
359 the requirements of this chapter ~~with regard to the personal data processed or accessed by~~
359a ~~the contractor as a part of the contractor's duties under the agreement~~ to the same extent
359b as ~~required of~~ the governmental entity.

360 (c) The requirements under Subsections (4)(a) and (b) are in addition to and do not
361 replace any other requirements or liability that may be imposed for the contractor's violation of
362 other laws protecting privacy rights or government records.

363 Section 9. Section **63A-19-402** is enacted to read:

364 **63A-19-402. General governmental privacy requirements -- Personal data request**
365 **notice.**

366 (1) A governmental entity shall provide a personal data request notice to an individual.