

304 Section 8. Section **63A-19-401** is enacted to read:

305 **Part 4. Duties of Governmental Entities**

306 **63A-19-401. Duties of governmental entities.**

307 (1) (a) Except as provided in Subsections (1)(b) and (c), a governmental entity shall  
 308 comply with the requirements of this part.

309 (b) (i) If a governmental entity or a contractor described in Subsection (4)(a) is subject  
 310 to a more restrictive or ~~§~~→ a more ←~~§~~ specific provision of law than found in this part, the  
 310a governmental  
 311 entity ~~§~~→ or contractor ←~~§~~ shall comply with the more restrictive or ~~§~~→ more ←~~§~~ specific  
 311a provision of law.

312 (ii) For purposes of Subsection (1)(b)(i), Title 63G, Chapter 2, Government Records  
 313 Access and Management Act, is a more ~~§~~→ [restrictive and] ←~~§~~ specific provision of law ~~§~~→ and  
 313a shall control over the provisions of this part ←~~§~~ .

314 (c) A governmental entity that is exempt under Section 63G-2-702, 63G-2-703, or  
 315 63G-2-704 from complying with the requirements in Title 63G, Chapter 2, Part 6, Collection of  
 316 Information and Accuracy of Records, is exempt from complying with the requirements in  
 317 Sections 63A-19-402, 63A-19-403, and 63A-19-404.

318 (2) A governmental entity:

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

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

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

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

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

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

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

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

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

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

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

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

339 (A) the types of personal data the designated governmental entity currently shares or  
340 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 designated governmental entity; and

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

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

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

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

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

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

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

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

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

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

363 (b) An agreement under Subsection (4)(a) shall require the contractor to comply with  
364 the requirements of this chapter ~~§~~ with regard to the personal data processed or accessed by  
364a the contractor as a part of the contractor's duties under the agreement ~~←~~§ to the same extent  
364b as ~~§~~ required of ~~←~~§ the governmental entity.

365 (c) The requirements under Subsections (4)(a) and (b) are in addition to and do not