

Doug Fiefia proposes the following substitute bill:

Data Sharing Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Fiefia

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill enacts provisions related to social media data portability and interoperability.

Highlighted Provisions:

This bill:

- defines terms;
- establishes legislative findings about social media data control and competition;
- amends consumer data rights related to social media data;
- requires social media companies to implement data interoperability interfaces;
- establishes requirements for data sharing between social media services;
- grants rulemaking and enforcement authority to the Division of Consumer Protection;
- provides for civil penalties; and
- includes a severability provision.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

13-2-1 (Effective 07/01/26), as last amended by Laws of Utah 2024, Chapter 132

13-61-201 (Effective 07/01/26), as enacted by Laws of Utah 2022, Chapter 462

ENACTS:

13-75-101 (Effective 07/01/26), Utah Code Annotated 1953

13-75-102 (Effective 07/01/26), Utah Code Annotated 1953

13-75-201 (Effective 07/01/26), Utah Code Annotated 1953

13-75-202 (Effective 07/01/26), Utah Code Annotated 1953

29 **13-75-301 (Effective 05/07/25)**, Utah Code Annotated 1953

30 **13-75-302 (Effective 07/01/26)**, Utah Code Annotated 1953

31 **13-75-401 (Effective 07/01/26)**, Utah Code Annotated 1953

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

34 Section 1. Section **13-2-1** is amended to read:

35 **13-2-1 (Effective 07/01/26). Consumer protection division established --**

36 **Functions.**

37 (1) There is established within the Department of Commerce the Division of Consumer
38 Protection.

39 (2) The division shall administer and enforce the following:

40 (a) Chapter 10a, Music Licensing Practices Act;

41 (b) Chapter 11, Utah Consumer Sales Practices Act;

42 (c) Chapter 15, Business Opportunity Disclosure Act;

43 (d) Chapter 20, New Motor Vehicle Warranties Act;

44 (e) Chapter 21, Credit Services Organizations Act;

45 (f) Chapter 22, Charitable Solicitations Act;

46 (g) Chapter 23, Health Spa Services Protection Act;

47 (h) Chapter 25a, Telephone and Facsimile Solicitation Act;

48 (i) Chapter 26, Telephone Fraud Prevention Act;

49 (j) Chapter 28, Prize Notices Regulation Act;

50 (k) Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter
51 Transaction Information Act;

52 (l) Chapter 34, Utah Postsecondary School and State Authorization Act;

53 (m) Chapter 41, Price Controls During Emergencies Act;

54 (n) Chapter 42, Uniform Debt-Management Services Act;

55 (o) Chapter 49, Immigration Consultants Registration Act;

56 (p) Chapter 51, Transportation Network Company Registration Act;

57 (q) Chapter 52, Residential Solar Energy Disclosure Act;

58 (r) Chapter 53, Residential, Vocational and Life Skills Program Act;

59 (s) Chapter 54, Ticket Website Sales Act;

60 (t) Chapter 56, Ticket Transferability Act;

61 (u) Chapter 57, Maintenance Funding Practices Act;

62 (v) Chapter 61, Utah Consumer Privacy Act;

- 63 ~~[(w) Chapter 63, Utah Social Media Regulation Act;]~~
 64 ~~[(x)]~~ (w) Chapter 64, Vehicle Value Protection Agreement Act;
 65 ~~[(y)]~~ (x) Chapter 65, Utah Commercial Email Act;
 66 ~~[(z)]~~ (y) Chapter 67, Online Dating Safety Act;
 67 ~~[(aa)]~~ (z) Chapter 68, Lawyer Referral Consultants Registration Act;
 68 ~~[(bb)]~~ (aa) Chapter 70, Automatic Renewal Contracts Act;~~[-and]~~
 69 ~~[(ee)]~~ (bb) Chapter 71, Utah Minor Protection in Social Media Act[-.] ; and
 70 (cc) Chapter 75, Utah Digital Choice Act.
- 71 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 72 division may make rules to establish:
- 73 (a) a public list that identifies a person who:
- 74 (i) violates a chapter described in Subsection (2);
- 75 (ii) without proper legal justification, fails to comply with an order, subpoena,
 76 judgment, or other legal process issued by:
- 77 (A) the division; or
- 78 (B) a court of competent jurisdiction; or
- 79 (iii) breaches a settlement agreement, stipulation, assurance of voluntary compliance,
 80 or similar instrument signed by the person and the division; and
- 81 (b) a process by which a person may be removed from the list the division establishes as
 82 described in Subsection (3)(a).

83 Section 2. Section **13-61-201** is amended to read:

84 **13-61-201 (Effective 07/01/26). Consumer rights -- Access -- Deletion --**

85 **Portability -- Opt out of certain processing.**

- 86 (1) A consumer has the right to:
- 87 (a) confirm whether a controller is processing the consumer's personal data; and
- 88 (b) access the consumer's personal data.
- 89 (2) A consumer has the right to delete the consumer's personal data that the consumer
 90 provided to the controller.
- 91 (3) A consumer has the right to obtain a copy of the consumer's personal data, that the
 92 consumer previously provided to the controller, in a format that:
- 93 (a) to the extent technically feasible, is portable;
- 94 (b) to the extent practicable, is readily usable; and
- 95 (c) allows the consumer to transmit the data to another controller without impediment,
 96 where the processing is carried out by automated means.

97 (4) A consumer has the right to request that a controller correct inaccuracies in the
 98 consumer's personal data, taking into account the nature of the personal data and the
 99 purposes of the processing of the consumer's personal data.

100 [~~(4)~~] (5) A consumer has the right to opt out of the processing of the consumer's personal
 101 data for purposes of:

102 (a) targeted advertising; or

103 (b) the sale of personal data.

104 [~~(5)~~] (6) Nothing in this section requires a person to cause a breach of security system as
 105 defined in Section 13-44-102.

106 Section 3. Section **13-75-101** is enacted to read:

107 **CHAPTER 75. UTAH DIGITAL CHOICE ACT**

108 **Part 1. General Provisions**

109 **13-75-101 (Effective 07/01/26). Definitions.**

110 As used in this chapter:

111 (1) "Open protocol" means a publicly available technical standard that:

112 (a) enables interoperability and data exchange between social media services by
 113 providing a common data infrastructure where multiple social media services can
 114 access, contribute to, and synchronize a user's personal data;

115 (b) is free from:

116 (i) licensing fees; and

117 (ii) patent restrictions; and

118 (c) governs how social media services communicate and exchange data with each other.

119 (2)(a) "Personal data" means the same as that term is defined in Section 13-61-101.

120 (b) "Personal data" includes a user's social graph.

121 (3)(a) "Social graph" means data that represents a person's connections and interactions
 122 within a social media service.

123 (b) "Social graph" includes:

124 (i) the person's social connections with other users;

125 (ii) content created by the person;

126 (iii) the person's responses to other users' content, including comments, reactions, and
 127 shares;

128 (iv) other users' responses to the person's content; and

129 (v) metadata associated with the items described in Subsections (3)(b)(i) through (iv).

- 130 (c) "Social graph" does not include another user's or an entity's content and responses
 131 that have been designated private by those users and entities, including private
 132 messages.
- 133 (4) "Social media company" means an entity that owns or operates a social media service.
- 134 (5)(a) "Social media service" means a public website or application that:
- 135 (i) displays content that is primarily generated by account holders and not by the
 136 social media company;
- 137 (ii) permits an individual to register as an account holder and create a profile that is
 138 made visible to the general public or a set of other users defined by the account
 139 holder;
- 140 (iii) connects account holders to allow users to interact socially with each other
 141 within the website or application; and
- 142 (iv) allows account holders to post content viewable by other users.
- 143 (b) "Social media service" does not include:
- 144 (i) email;
- 145 (ii) cloud storage; or
- 146 (iii) document viewing, sharing, or collaboration services.
- 147 (6) "User" means an individual located in the state who accesses or uses a social media
 148 service.

149 Section 4. Section **13-75-102** is enacted to read:

150 **13-75-102 (Effective 07/01/26). Legislative findings.**

151 The Legislature finds that:

- 152 (1) an individual has a right to control and move the individual's own personal data,
 153 including social interactions online;
- 154 (2) companies have demonstrated a pattern of restricting the interoperability of content,
 155 preventing users from easily sharing posts and interactions across different platforms;
 156 and
- 157 (3) the state should ensure that individuals have the right to access a complete personal data
 158 record from social media platforms.

159 Section 5. Section **13-75-201** is enacted to read:

160 **Part 2. Data Rights and Requirements**

161 **13-75-201 (Effective 07/01/26). Data portability requirements.**

162 If a consumer requests a copy of the consumer's personal data under Section 13-61-201,
 163 a social media service shall provide the personal data, including the user's social graph, in a

164 format that:

165 (1) is portable, to the extent technically feasible;

166 (2) is readily usable, to the extent practicable; and

167 (3) allows the consumer to transmit the data to another controller without impediment if the
168 controller processes the data by automated means.

169 Section 6. Section **13-75-202** is enacted to read:

170 **13-75-202 (Effective 07/01/26). Data interoperability requirements.**

171 (1) A social media company shall implement a transparent, third-party-accessible
172 interoperability interface or interfaces to allow users to choose to:

173 (a) share a common set of the user's personal data between the social media services
174 designated by the user; and

175 (b) enable third parties to access content created by the user and to be notified when new
176 or updated content is available, with the user's permission.

177 (2) A social media company shall reasonably secure all personal data obtained through an
178 interoperability interface.

179 (3) To achieve interoperability under Subsection (1), a social media company shall:

180 (a) utilize an open protocol;

181 (b) facilitate and maintain interoperability and synchronous data sharing with other
182 social media services through an interoperability interface, based on reasonable terms
183 that do not discriminate between social media services;

184 (c) establish reasonable and proportionate thresholds related to the frequency, nature,
185 and volume of requests, beyond which the social media company may assess a
186 reasonable fee for such access;

187 (d) offer to other social media companies a functionally equivalent version of any
188 internal interfaces created by the social media company for the social media
189 company's own social media services; and

190 (e) disclose to other social media companies complete, accurate, and regularly updated
191 documentation describing access to the interoperability interface required under this
192 section.

193 (4) A social media company or third party shall safeguard the privacy and security of a
194 user's personal data obtained from other social media services through the
195 interoperability interface in accordance with the social media company's or third party's
196 privacy notice and administrative, technical, and physical data security practices.

197 (5) A social media company or third party may not share or receive a user's personal data

- 198 through the interoperability interface except with the user's consent.
- 199 (6) A social media company shall adopt an accessible, prominent, and persistent method for
 200 users to give consent for data sharing with other social media services or third parties
 201 through the interoperability interface.
- 202 (7) A social media company is not required to:
- 203 (a) provide access to:
- 204 (i) inferences, analyses, or derived data that the social media company has generated
 205 internally about a user; or
- 206 (ii) proprietary algorithms, ranking systems, or other internal operating mechanisms;
 207 or
- 208 (b) transmit personal data that:
- 209 (i) is stored or structured in a proprietary format; and
- 210 (ii) meets both of the following criteria:
- 211 (A) no open, industry-standard format is reasonably available; and
- 212 (B) transmitting the data would disclose information described in Subsection
 213 (7)(a).
- 214 (8) This chapter does not apply to an entity that is:
- 215 (a) owned, controlled, operated, or maintained by a religious organization; and
- 216 (b) exempt from property taxation under state law.

217 Section 7. Section **13-75-301** is enacted to read:

218 **Part 3. Administrative Provisions**

219 **13-75-301 (Effective 05/07/25). Rulemaking authority -- Rebuttable**
 220 **presumptions.**

- 221 (1) The division may identify open protocols that the division has determined, after an
 222 assessment, meet the requirements of Section 13-75-202.
- 223 (2) If a social media company uses an open protocol that the division identifies under
 224 Subsection (1), the social media company shall be entitled to a rebuttable presumption of
 225 providing access on reasonable terms that do not discriminate between social media
 226 services.

227 Section 8. Section **13-75-302** is enacted to read:

228 **13-75-302 (Effective 07/01/26). Enforcement.**

- 229 (1) The division shall administer and enforce this chapter ~~§~~ , **within existing budget**
 229a **allocations,** ~~←**§**~~ in accordance with Chapter 2,
 230 Division of Consumer Protection.

- 231 (2) The attorney general, upon request, shall give legal advice to, and act as counsel for, the
 232 division in the exercise of the division's responsibilities under this chapter.
- 233 (3)(a) In addition to the division's enforcement powers under Chapter 2, Division of
 234 Consumer Protection:
- 235 (i) the division director may impose an administrative fine of up to \$2,500 for each
 236 violation of this chapter; and
- 237 (ii) the division may bring an action in court to enforce a provision of this chapter.
- 238 (b) In a court action by the division to enforce a provision of this chapter, the court may:
- 239 (i) declare that the act or practice violates a provision of this chapter;
 240 (ii) enjoin actions that violate this chapter;
 241 (iii) order disgorgement of any money received in violation of this chapter;
 242 (iv) order payment of disgorged money to an injured purchaser or consumer;
 243 (v) impose a civil penalty of up to \$2,500 for each violation of this chapter;
 244 (vi) award actual damages to an injured purchaser or consumer; and
 245 (vii) award any other relief that the court deems reasonable and necessary.
- 246 (c) If a court grants judgment or injunctive relief to the division, the court shall award
 247 the division:
- 248 (i) reasonable attorney fees;
 249 (ii) court costs; and
 250 (iii) investigative fees.
- 251 (d)(i) A person who violates an administrative or court order issued for a violation of
 252 this chapter is subject to a civil penalty of no more than \$5,000 for each violation.
- 253 (ii) A civil penalty authorized under this section may be imposed in any civil action
 254 brought by the division, or by the attorney general on behalf of the division.

255 Section 9. Section **13-75-401** is enacted to read:

256 **Part 4. Special Provisions**

257 **13-75-401 (Effective 07/01/26). Severability.**

- 258 (1) If any provision of this chapter or the application of any provision to any person or
 259 circumstance is held invalid by a final decision of a court of competent jurisdiction, the
 260 remainder of this chapter shall be given effect without the invalid provision or
 261 application.
- 262 (2) The provisions of this chapter are severable.

263 Section 10. **Effective Date.**

- 264 (1) Except as provided in Subsection (2), this bill takes effect July 1, 2026.

265 (2) The actions affecting Section 13-75-301 (Effective 05/07/25) take effect on May 7,
266 2025.