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Data Privacy Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Jefferson Moss
Senate Sponsor:

2

LONG TITLE

3

General Description:

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5 This bill modifies provisions related to governmental data privacy and privacy oversight.

Highlighted Provisions:

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7 This bill:

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8 ▶ defines terms;

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9 ▶ modifies requirements for privacy annotations and privacy notices;

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10 ▶ modifies requirements for government website privacy notices;

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11 ▶ modifies provisions related to data breach notification requirements;

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12 ▶ renames and modifies duties of the state privacy auditor;

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13 ▶ modifies enforcement provisions related to privacy requirements; and

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14 ▶ makes technical and conforming changes.

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Money Appropriated in this Bill:

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16 None

17

Other Special Clauses:

18

18 This bill provides a special effective date.

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Utah Code Sections Affected:

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AMENDS:

21

21 **63A-12-100.5 (Effective upon governor's approval)**, as last amended by Laws of Utah

22

22 2023, Chapter 173

23

23 **63A-12-103 (Effective upon governor's approval)**, as last amended by Laws of Utah

24

24 2021, Chapter 344

25

25 **63A-12-104 (Effective upon governor's approval)**, as repealed and reenacted by Laws of

26

26 Utah 2023, Chapter 173

27

27 **63A-12-108 (Effective upon governor's approval)**, as last amended by Laws of Utah

28

28 2023, Chapter 173

29

29 **63A-19-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,

30

30 Chapter 417

31 **63A-19-102 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
32 Chapter 417
33 **63A-19-301 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
34 Chapter 417
35 **63A-19-401 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
36 Chapter 417
37 **63A-19-402 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
38 Chapter 417
39 **63A-19-405 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
40 Chapter 417
41 **63A-19-406 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
42 Chapter 417
43 **63A-19-601 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
44 Chapter 417
45 **63G-2-103 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
46 Chapters 18, 465, 509, and 522
47 **63G-2-307 (Effective upon governor's approval)**, as last amended by Laws of Utah 2023,
48 Chapter 173
49 **63G-2-601 (Effective upon governor's approval)**, as last amended by Laws of Utah 2023,
50 Chapter 173
51 **67-3-1 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
52 Chapters 3, 158
53 **67-3-13 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
54 Chapter 417

55 ENACTS:

56 **63A-19-401.1 (Effective upon governor's approval)**, Utah Code Annotated 1953
57 **63A-19-401.2 (Effective upon governor's approval)**, Utah Code Annotated 1953
58 **63A-19-401.3 (Effective upon governor's approval)**, Utah Code Annotated 1953
59 **63A-19-401.4 (Effective upon governor's approval)**, Utah Code Annotated 1953
60 **63A-19-402.5 (Effective upon governor's approval)**, Utah Code Annotated 1953
61 **63A-19-602 (Effective upon governor's approval)**, Utah Code Annotated 1953

62 RENUMBERS AND AMENDS:

63 **63A-16-110 (Effective upon governor's approval)**, (Renumbered from 63D-2-105, as
64 last amended by Laws of Utah 2024, Chapter 426)

65 **63A-19-203 (Effective upon governor's approval)**, (Renumbered from 63C-24-201, as
66 last amended by Laws of Utah 2024, Chapter 417)

67 **63A-19-204 (Effective upon governor's approval)**, (Renumbered from 63C-24-202, as
68 last amended by Laws of Utah 2024, Chapter 417)

69 **78A-2-233 (Effective upon governor's approval)**, (Renumbered from 63D-2-104, as
70 last amended by Laws of Utah 2008, Chapter 3)

71 REPEALS:

72 **63C-24-101** [~~(Effective 05/01/24)~~] **(Effective upon governor's approval)**, as last amended
73 by Laws of Utah 2024, Chapter 417

74 **63C-24-102** [~~(Effective 05/01/24)~~] **(Effective upon governor's approval)**, as last amended
75 by Laws of Utah 2024, Chapter 417

76

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

78 Section 1. Section **63A-12-100.5** is amended to read:

79 **63A-12-100.5 (Effective upon governor's approval). Definitions.**

80 (1) Except as provided under Subsection (2), the definitions in Section 63G-2-103 apply to
81 this chapter.

82 (2) As used in this chapter:

83 (a) "Chief administrative officer" means the individual designated by a governmental
84 entity to perform the duties described in Section 63A-12-103.

85 (b) "Division" means the Division of Archives and Records Service.

86 [(b)(i) "Executive branch agency" means the same as that term is defined in Section
87 63A-16-102.]

88 [(ii) "Executive branch agency" includes a state agency, as defined in Subsection
89 67-1-17(1)(d).]

90 [(c)(i) "Personal identifying information" means information about an individual that:]

91 [(A) identifies, or can be used to identify, an individual;]

92 [(B) distinguishes an individual from one or more other individuals; or]

93 [(C) is, or can be, logically associated with other information or data, through
94 technology or otherwise, to identify an individual or distinguish an individual
95 from one or more other individuals.]

96 [(ii) "Personal identifying information" includes information identified as personal
97 identifying information in accordance with the rules described in Section
98 63A-12-104.]

99 ~~[(d) "Privacy annotation" means a summary, described in Subsection 63A-12-115(2) and~~
 100 ~~rules made by the executive director under Subsection 63A-12-104(2), that, for each~~
 101 ~~record series that an executive branch agency collects, maintains, or uses:]~~

102 ~~[(i) discloses whether the record series contains personal identifying information; and]~~

103 ~~[(ii) if the record series contains personal identifying information, includes the~~
 104 ~~information described in Subsection 63A-12-115(2)(b).]~~

105 ~~[(e)]~~ (c) "Record" means:

106 (i) the same as that term is defined in Section 63G-2-103; or

107 (ii) a video or audio recording of an interview, or a transcript of the video or audio
 108 recording, that is conducted at a Children's Justice Center established under
 109 Section 67-5b-102, the release of which is governed by Section 77-37-4.

110 ~~[(f)]~~ (d) "State archives" means the Division of Archives and Records Service.

111 ~~[(g)]~~ (e) "Vulnerable adult" means the same as that term is defined in Section 26B-6-201.

112 ~~[(h)]~~ (f) "Vulnerable record" means a record or data relating to:

113 (i) national security interests;

114 (ii) the care, custody, or control of a child;

115 (iii) a fiduciary trust over money;

116 (iv) health care of a child; or

117 (v) the following, in relation to a vulnerable adult:

118 (A) protection, health care, or other care; or

119 (B) the provision of food, shelter, clothing, assistance with an activity of daily
 120 living, or assistance with financial resource management.

121 Section 2. Section **63A-12-103** is amended to read:

122 **63A-12-103 (Effective upon governor's approval). Duties of governmental**
 123 **entities.**

124 ~~[The]~~ Each governmental entity shall designate a chief administrative officer ~~[of each~~
 125 ~~governmental entity shall]~~ who shall be responsible to:

126 (1) establish and maintain an active, continuing program for the economical and efficient
 127 management of the governmental entity's records as provided by this chapter and Title
 128 63G, Chapter 2, Government Records Access and Management Act;

129 (2) appoint one or more records officers who will be trained to work with the state archives
 130 in the care, maintenance, scheduling, disposal, classification, designation, access, and
 131 preservation of records;

132 (3) ensure that officers and employees of the governmental entity that receive or process

- 133 records requests receive required training on the procedures and requirements of this
 134 chapter and Title 63G, Chapter 2, Government Records Access and Management Act;
- 135 (4) make and maintain adequate and proper documentation of the organization, functions,
 136 policies, decisions, procedures, and essential transactions of the governmental entity
 137 designed to furnish information to protect the privacy, transparency, legal, and financial
 138 rights of persons directly affected by the entity's activities;
- 139 (5) submit to the state archivist proposed schedules of records for final approval by the
 140 Records Management Committee created in Section 63A-12-112;
- 141 (6) cooperate with the state archivist in conducting surveys made by the state archivist;
- 142 (7) comply with rules issued by the Department of Government Operations as provided by
 143 Section 63A-12-104;
- 144 (8) report to the state archives:
- 145 (a) ~~[-]the designation of each record series that [it] the governmental entity maintains;~~
 146 ~~[(9) report to the state archives-]~~
- 147 (b) the classification of each record series that [is] the governmental entity has classified;
 148 and
- 149 (c) the name of the governmental entity's:
- 150 (i) chief administrative officer; and
- 151 (ii) records officers;
- 152 (9) ensure that the governmental entity complies with the requirements found in:
- 153 (a) this part;
- 154 (b) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 155 (c) Chapter 19, Part 4, Duties of Governmental Entities; and
- 156 (10) establish and report to the state archives retention schedules for objects that the
 157 governmental entity determines are not defined as a record under Section 63G-2-103,
 158 but that have historical or evidentiary value.
- 159 Section 3. Section **63A-12-104** is amended to read:
- 160 **63A-12-104 (Effective upon governor's approval). Rulemaking authority.**
- 161 ~~[(4)]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 162 ~~[(a)]~~ (1) the state archivist may ~~[-, for an executive branch agency,]~~ make rules establishing
 163 procedures for the collection, storage, designation, classification, access, mediation for
 164 records access, and management of records under this chapter and Title 63G, Chapter 2,
 165 Government Records Access and Management Act; and
- 166 ~~[(b)]~~ (2) a ~~[department]~~ governmental entity may make rules, policies, or ordinances

167 specifying at which level within the [department] governmental entity the requirements
 168 described in this chapter will be undertaken.

169 [~~(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 170 executive director shall, in consultation with the state archivist and the chief privacy
 171 officer, make rules for an executive branch agency that establish:~~]

172 [~~(a) requirements for making an inventory of each record series that contains personal
 173 identifying information, including:~~]

174 [~~(i) information collected as part of the inventory;~~]

175 [~~(ii) regularly reviewing, updating, and maintaining the inventory; and]~~

176 [~~(iii) reporting the inventory to the chief privacy officer;~~]

177 [~~(b) a list of information, categories of information, or types of information expressly
 178 designated as personal identifying information, in accordance with the criteria
 179 described in Subsections 63A-12-100.5(2)(c)(i) through (iii);]~~

180 [~~(c) criteria, variables, and principles for determining whether information in a record
 181 series, not expressly designated under Subsection (2)(b), is personal identifying
 182 information;~~]

183 [~~(d) a list and description of categories or types of personal identifying information that
 184 are collected, maintained, or used by executive branch agencies; and]~~

185 [~~(e) requirements for the form, content, format, review, and update of a privacy
 186 annotation.~~]

187 [~~(3) The rules described in Subsection (2)(b) may incorporate, by reference, a data
 188 dictionary that a records officer appointed under Subsection 63A-12-103(2)(a) shall use
 189 in making the determination described in Subsection (2)(c).]~~

190 Section 4. Section **63A-12-108** is amended to read:

191 **63A-12-108 (Effective upon governor's approval). Inspection and summary of
 192 record series.**

193 [~~(1)] State archives shall provide for public inspection of[:]~~

194 [~~(a)] the title and a summary description of each record series[; and] .~~

195 [~~(b) for an executive branch agency, the privacy annotation of each record series.]~~

196 [~~(2) The department shall:]~~

197 [~~(a) post the data dictionary described in Subsection 63A-12-104(3) on the department's
 198 website; and]~~

199 [~~(b) maintain and update the data dictionary on a regular basis.]~~

200 Section 5. Section **63A-16-110**, which is renumbered from Section 63D-2-105 is renumbered

201 and amended to read:

202 **[~~63D-2-105~~ 63A-16-110 (Effective upon governor's approval). Use of authorized**
203 **domain extensions for government websites.**

204 (1) As used in this section[;] :

205 (a) [~~"authorized top-level~~] "Authorized top-level domain" means any of the following
206 suffixes that [~~follows~~] follow the domain name in a website address:

207 [~~(a)~~] (i) gov;

208 [~~(b)~~] (ii) edu; and

209 [~~(c)~~] (iii) mil.

210 (b) "Governmental entity" means the same as that term is defined in Section 63G-2-103.

211 (c) "Government website" means the same as that term is defined in Section 63A-19-101.

212 (d) "Person" means the same as that term is defined in Section 63G-2-103.

213 (e) "School" means a public elementary or secondary school.

214 (2) Beginning July 1, 2025, a governmental entity shall use an authorized [~~top-level~~]
215 top-level domain for:

216 (a) the website address for the governmental entity's government website; and

217 (b) the email addresses used by the governmental entity and the governmental entity's
218 employees.

219 (3) Notwithstanding Subsection (2), a governmental entity may operate a website that uses
220 a [~~top-level~~] top-level domain that is not an authorized [~~top-level~~] top-level domain if:

221 (a)(i) a reasonable person would not mistake the website as the governmental entity's
222 primary government website; and

223 (ii) the [~~governmental~~] government website is:

224 (A) solely for internal use and not intended for use by members of the public;

225 (B) temporary and in use by the governmental entity for a period of less than one
226 year; or

227 (C) related to an event, program, or informational campaign operated by the
228 governmental entity in partnership with another person that is not a
229 governmental entity; or

230 (b) the governmental entity is a school district or a school that is not an institution of
231 higher education and the use of an authorized [~~top-level~~] top-level domain is
232 otherwise prohibited, provided that once the use of an authorized [~~top-level~~] top-level
233 domain is not otherwise prohibited, the school district or school shall transition to an
234 authorized [~~top-level~~] top-level domain within 15 months.

- 235 (4) The chief information officer appointed under Section 63A-16-201 may authorize a
 236 waiver of the requirement in Subsection (2) if:
- 237 (a) there are extraordinary circumstances under which use of an authorized domain
 238 extension would cause demonstrable harm to citizens or businesses; and
- 239 (b) the executive director or chief executive of the governmental entity submits a written
 240 request to the chief information officer that includes a justification for the waiver.

241 Section 6. Section **63A-19-101** is amended to read:

242 **63A-19-101 (Effective upon governor's approval). Definitions.**

243 As used in this chapter:

- 244 (1) "Anonymized data" means information that has been irreversibly modified so that there
 245 is no possibility of using the information, alone or in combination with other
 246 information, to identify an individual.
- 247 (2) "At-risk government employee" means the same as that term is defined in Section
 248 63G-2-303.
- 249 (3) "Automated decision making" means using personal data to make a decision about an
 250 individual through automated processing, without human review or intervention.
- 251 (4) "Biometric data" means the same as that term is defined in Section 13-61-101.
- 252 (5) "Chief administrative officer" means the same as that term is defined in Section
 253 63A-12-100.5.
- 254 (6) "Chief privacy officer" means the individual appointed under Section 63A-19-302.
- 255 ~~[(2)]~~ (7) "Commission" means the Utah Privacy Commission established in Section [
 256 63C-24-102] 63A-19-203.
- 257 (8) "Contract" means an agreement between a governmental entity and a person for goods
 258 or services that involve personal data.
- 259 (9)(a) "Contractor" means a person who:
- 260 (i) has entered into a contract with a governmental entity; and
- 261 (ii) may process personal data under the contract.
- 262 (b) "Contractor" includes a contractor's employees, agents, or subcontractors.
- 263 ~~[(3)]~~ (10) "Cyber Center" means the Utah Cyber Center created in Section 63A-16-1102.
- 264 ~~[(4)]~~ (11) "Data breach" means the unauthorized access, acquisition, disclosure, loss of
 265 access, or destruction of personal data held by a governmental entity, unless the
 266 governmental entity concludes, according to standards established by the Cyber Center,
 267 that there is a low probability that personal data has been compromised.
- 268 ~~[(5)]~~ (12) ["Designated governmental entity" means the same as that term is defined in

269 ~~Section 67-3-13.]~~ "De-identified data" means information from which personal data has
270 been removed or obscured so that the information is not readily identifiable to a specific
271 individual, but which may be re-identified using additional information.

272 (13) "Genetic data" means the same as that term is defined in Section 13-60-102.

273 ~~[(6)]~~ (14) "Governing board" means the Utah Privacy Governing Board established in
274 Section 63A-19-201.

275 ~~[(7)]~~ (15) "Governmental entity" means the same as that term is defined in Section
276 63G-2-103.

277 (16) "Government website" means a set of related web pages that is operated by or on
278 behalf of a governmental entity and is:

279 (a) located under a single domain name or web address; and

280 (b) accessible directly through the Internet or by the use of a software program.

281 ~~[(8)]~~ (17)(a) "~~[High risk]~~ High-risk processing activities" means a governmental entity's
282 processing of personal data that may ~~[result in a significant compromise to]~~ have a
283 significant impact on an individual's privacy interests, based on factors that include:

284 ~~[(a)]~~ (i) the sensitivity of the personal data processed;

285 ~~[(b)]~~ (ii) the amount of personal data being processed;

286 ~~[(c)]~~ (iii) the individual's ability to consent to the processing of personal data; and

287 ~~[(d)]~~ (iv) risks of unauthorized access or use.

288 (b) "High-risk processing activities" includes the use of:

289 (i) facial recognition technology;

290 (ii) automated decision making;

291 (iii) profiling;

292 (iv) automated license plate readers;

293 (v) genetic data;

294 (vi) biometric data; or

295 (vii) geolocation data.

296 ~~[(9)]~~ (18) "Independent entity" means the same as that term is defined in Section 63E-1-102.

297 (19) "Individual" means the same as that term is defined in Section 63G-2-103.

298 ~~[(10)]~~ (20) "Legal guardian" means:

299 (a) the parent of a minor; or

300 (b) an individual appointed by a court to be the guardian of a minor or incapacitated [
301 person] individual and given legal authority to make decisions regarding the person or
302 property of the minor or incapacitated [person] individual.

- 303 ~~[(11)]~~ (21) "Office" means the Utah Office of Data Privacy created in Section 63A-19-301.
- 304 ~~[(12)]~~ (22) "Ombudsperson" means the data privacy ombudsperson appointed under Section
305 63A-19-501.
- 306 (23) "Person" means the same as that term is defined in Section 63G-2-103.
- 307 ~~[(13)]~~ (24) "Personal data" means information that is linked or can be reasonably linked to
308 an identified individual or an identifiable individual.
- 309 (25) "Privacy annotation" means a summary of personal data contained in a record series as
310 described in Section 63A-19-401.1.
- 311 (26) "Privacy practice" means a governmental entity's:
- 312 (a) organizational, technical, administrative, and physical safeguards designed to protect
313 an individual's personal data;
- 314 (b) policies and procedures related to the acquisition, use, storage, sharing, retention,
315 and disposal of personal data; and
- 316 (c) practice of providing notice to an individual regarding the individual's privacy rights.
- 317 ~~[(14)]~~ (27) "Process,"~~[-øf]~~ "processing," or "processing activity" means any operation or set
318 of operations performed on personal data, including collection, recording, organization,
319 structuring, storage, adaptation, alteration, access, retrieval, consultation, use, disclosure
320 by transmission, transfer, dissemination, alignment, combination, restriction, erasure, or
321 destruction.
- 322 (28) "Profiling" means the processing of personal data to evaluate or predict an individual's:
- 323 (a) economic situation;
- 324 (b) health;
- 325 (c) personal preferences;
- 326 (d) interests;
- 327 (e) reliability;
- 328 (f) behavior;
- 329 (g) location; or
- 330 (h) movements.
- 331 ~~[(15)]~~ (29) "Record" means the same as that term is defined in Section 63G-2-103.
- 332 ~~[(16)]~~ (30) "Record series" means the same as that term is defined in Section 63G-2-103.
- 333 ~~[(17)]~~ (31) "Retention schedule" means a governmental entity's schedule for the retention or
334 disposal of records that has been approved by the Records Management Committee
335 pursuant to Section 63A-12-113.
- 336 ~~[(18)]~~ (32)(a) "Sell" means an exchange of personal data for monetary consideration by a

337 governmental entity to a third party.

338 (b) "Sell" does not include a fee:

339 (i) charged by a governmental entity for access to a record pursuant to Section
340 63G-2-203; or

341 (ii) assessed in accordance with an approved fee schedule.

342 [(19)] (33)(a) "State agency" means the following entities that are under the direct
343 supervision and control of the governor or the lieutenant governor:

344 (i) a department;

345 (ii) a commission;

346 (iii) a board;

347 (iv) a council;

348 (v) an institution;

349 (vi) an officer;

350 (vii) a corporation;

351 (viii) a fund;

352 (ix) a division;

353 (x) an office;

354 (xi) a committee;

355 (xii) an authority;

356 (xiii) a laboratory;

357 (xiv) a library;

358 (xv) a bureau;

359 (xvi) a panel;

360 (xvii) another administrative unit of the state; or

361 (xviii) an agent of an entity described in Subsections [(19)] (33)(a)(i) through (xvii).

362 (b) "State agency" does not include:

363 (i) the legislative branch;

364 (ii) the judicial branch;

365 (iii) an executive branch agency within the Office of the Attorney General, the state
366 auditor, the state treasurer, or the State Board of Education; or

367 (iv) an independent entity.

368 [(20)] (34) [~~"State privacy officer" means the individual described in Section 67-3-13~~] "State
369 privacy auditor" means the same as that term is defined in Section 67-3-13.

370 (35) "Synthetic data" means artificial data that:

- 371 (a) is generated from personal data; and
- 372 (b) models the statistical properties of the original personal data.
- 373 (36) "User" means an individual who accesses a government website.
- 374 (37)(a) "User data" means any information about a user that is automatically collected
 375 by a government website when a user accesses the government website.
- 376 (b) "User data" includes information that identifies:
- 377 (i) a user as having requested or obtained specific materials or services from a
 378 government website;
- 379 (ii) Internet sites visited by a user;
- 380 (iii) the contents of a user's data-storage device;
- 381 (iv) any identifying code linked to a user of a government website; and
- 382 (v) a user's:
- 383 (A) IP or Mac address; or
- 384 (B) session ID.
- 385 (38) "Website tracking technology" means any tool used by a government website to:
- 386 (a) monitor a user's behavior; or
- 387 (b) collect user data.
- 388 Section 7. Section **63A-19-102** is amended to read:
- 389 **63A-19-102 (Effective upon governor's approval). State data privacy policy.**
- 390 It is the policy of Utah that:
- 391 (1) an individual has a fundamental interest in and inherent expectation of privacy
 392 regarding the individual's personal data that the individual provides to a governmental
 393 entity;
- 394 (2) a governmental entity shall ~~[aet] process personal data~~ in a manner ~~[respecting personal~~
 395 ~~data provided to the governmental entity]~~ that is consistent with the interests and
 396 expectations described in Subsection (1);
- 397 (3) the state shall encourage innovation to enhance the ability of a governmental entity to:
- 398 (a) protect the privacy of an individual's personal data;
- 399 (b) provide clear notice to an individual regarding the governmental entity's processing
 400 of the individual's personal data;
- 401 (c) process personal data only for specified, lawful purposes and only process the
 402 minimum amount of an individual's personal data necessary to achieve those
 403 purposes;
- 404 (d) implement appropriate consent mechanisms regarding the uses of an individual's

- 405 personal data;
- 406 (e) provide an individual with the ability to access, control, and request corrections to
- 407 the individual's personal data held by a governmental entity;
- 408 (f) maintain appropriate safeguards to protect the confidentiality, integrity, and
- 409 availability of personal data;
- 410 (g) account for compliance with privacy related laws, rules, and regulations that are
- 411 specific to a particular governmental entity, program, or personal data; and
- 412 (h) meet a governmental entity's and an individual's business and service needs;
- 413 (4) the state shall promote training and education programs for employees of governmental
- 414 entities focused on:
- 415 (a) data privacy best practices, obligations, and responsibilities; and
- 416 (b) the overlapping relationship with privacy, records management, and security; and
- 417 (5) the state shall promote consistent terminology in data privacy requirements across
- 418 governmental entities.

419 Section 8. Section **63A-19-203**, which is renumbered from Section 63C-24-201 is renumbered

420 and amended to read:

421 **~~[63C-24-201]~~ 63A-19-203 (Effective upon governor's approval). Utah Privacy**

422 **Commission created.**

- 423 (1) There is created the Utah Privacy Commission.
- 424 (2)(a) The commission shall be composed of 12 members.
- 425 (b) The governor shall appoint:
- 426 (i) one member who, at the time of appointment provides internet technology services
- 427 for a county or a municipality;
- 428 (ii) one member with experience in cybersecurity;
- 429 (iii) one member representing private industry in technology;
- 430 (iv) one member representing law enforcement; and
- 431 (v) one member with experience in data privacy law.
- 432 (c) The state auditor shall appoint:
- 433 (i) one member with experience in internet technology services;
- 434 (ii) one member with experience in cybersecurity;
- 435 (iii) one member representing private industry in technology;
- 436 (iv) one member with experience in data privacy law; and
- 437 (v) one member with experience in civil liberties law or policy and with specific
- 438 experience in identifying the disparate impacts of the use of a technology or a

- 439 policy on different populations.
- 440 (d) The attorney general shall appoint:
- 441 (i) one member with experience as a prosecutor or appellate attorney and with
- 442 experience in data privacy or civil liberties law; and
- 443 (ii) one member representing law enforcement.
- 444 (3)(a) Except as provided in Subsection (3)(b), a member is appointed for a term of four
- 445 years.
- 446 (b) The initial appointments of members described in Subsections (2)(b)(i) through
- 447 (b)(iii), (2)(c)(iv) through (c)(v), and (2)(d)(ii) shall be for two-year terms.
- 448 (c) When the term of a current member expires, a member shall be reappointed or a new
- 449 member shall be appointed in accordance with Subsection (2).
- 450 (4)(a) When a vacancy occurs in the membership for any reason, a replacement shall be
- 451 appointed in accordance with Subsection (2) for the unexpired term.
- 452 (b) A member whose term has expired may continue to serve until a replacement is
- 453 appointed.
- 454 (5) The commission shall select officers from the commission's members as the
- 455 commission finds necessary.
- 456 (6)(a) A majority of the members of the commission is a quorum.
- 457 (b) The action of a majority of a quorum constitutes an action of the commission.
- 458 (7) A member may not receive compensation or benefits for the member's service but may
- 459 receive per diem and travel expenses incurred as a member of the commission at the
- 460 rates established by the Division of Finance under:
- 461 (a) Sections 63A-3-106 and 63A-3-107; and
- 462 (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
- 463 63A-3-107.
- 464 (8) A member shall refrain from participating in a review of:
- 465 (a) an entity of which the member is an employee; or
- 466 (b) a technology in which the member has a financial interest.
- 467 (9) The state auditor shall provide staff and support to the commission.
- 468 (10) The commission shall meet up to 12 times a year to accomplish the duties described in
- 469 Section [~~63C-24-202~~] 63A-19-204.
- 470 Section 9. Section **63A-19-204**, which is renumbered from Section 63C-24-202 is renumbered
- 471 and amended to read:
- 472 **[~~63C-24-202~~] 63A-19-204 (Effective upon governor's approval). Commission**

473 **duties.**

- 474 (1) The commission shall:
- 475 (a) annually develop a data privacy agenda that identifies for the upcoming year:
- 476 (i) governmental entity privacy practices to be reviewed by the commission;
- 477 (ii) educational and training materials that the commission intends to develop;
- 478 (iii) any other items related to data privacy the commission intends to study; and
- 479 (iv) best practices and guiding principles that the commission plans to develop
- 480 related to government privacy practices;
- 481 (b) develop guiding standards and best practices with respect to government privacy
- 482 practices;
- 483 (c) develop educational and training materials that include information about:
- 484 (i) the privacy implications and civil liberties concerns of the privacy practices of
- 485 government entities;
- 486 (ii) best practices for government collection and retention policies regarding personal
- 487 data; and
- 488 (iii) best practices for government personal data security standards;
- 489 (d) review the privacy implications and civil liberties concerns of government privacy
- 490 practices; and
- 491 (e) provide the data privacy agenda to the governing board by May 1 of each year.
- 492 (2) The commission may, in addition to the approved items in the data privacy agenda
- 493 prepared under Subsection (1)(a):
- 494 (a) review specific government privacy practices as referred to the commission by the
- 495 chief privacy officer described in Section 63A-19-302 or the state privacy [officer]
- 496 auditor described in Section 67-3-13;
- 497 (b) review a privacy practice not accounted for in the data privacy agenda only upon
- 498 referral by the chief privacy officer or the state privacy [officer] auditor in accordance
- 499 with [~~Subsection 63C-24-202(2)(a)~~] this section;
- 500 (c) review and provide recommendations regarding consent mechanisms used by
- 501 governmental entities to collect personal information;
- 502 (d) develop and provide recommendations to the Legislature on how to balance
- 503 transparency and public access of public records against an individual's reasonable
- 504 expectations of privacy and data protection; and
- 505 (e) develop recommendations for legislation regarding the guiding standards and best
- 506 practices the commission has developed in accordance with Subsection (1)(a).

- 507 (3) At least annually, on or before October 1, the commission shall report to the Judiciary
 508 Interim Committee:
- 509 (a) the results of any reviews the commission has conducted;
- 510 (b) the guiding standards and best practices described in Subsection (1)(b); and
- 511 (c) any recommendations for legislation the commission has developed in accordance
 512 with Subsection (2)(e).
- 513 (4) At least annually, on or before June 1, the commission shall report to the governing
 514 board regarding:
- 515 (a) governmental entity privacy practices the commission plans to review in the next
 516 year;
- 517 (b) any educational and training programs the commission intends to develop in relation
 518 to government data privacy best practices;
- 519 (c) results of the commission's data privacy practice reviews from the previous year; and
- 520 (d) recommendations from the commission related to data privacy legislation, standards,
 521 or best practices.
- 522 (5) The data privacy agenda detailed in Subsection (1)(a) does not add to or expand the
 523 authority of the commission.

524 Section 10. Section **63A-19-301** is amended to read:

525 **63A-19-301 (Effective upon governor's approval). Utah Office of Data Privacy.**

- 526 (1) There is created within the department the Utah Office of Data Privacy.
- 527 (2) The office shall coordinate with the governing board and the commission to perform the
 528 duties in this section.
- 529 (3) The office shall:
- 530 (a) create and maintain a [~~strategie~~] data privacy [~~plan~~] framework designed to:
- 531 (i) [~~assist state agencies~~] assist governmental entities to identify and implement
 532 effective and efficient data privacy practices, tools, and systems that:
- 533 (A) protect the privacy of personal data;
- 534 (B) comply with data privacy laws and regulations specific to the governmental
 535 entity, program, or data;
- 536 (C) empower individuals to protect and control their personal data; and
- 537 (D) enable information use and sharing among governmental entities, as allowed
 538 by law; and
- 539 (ii) account for differences in [~~state agency~~] a governmental entity's resources,
 540 capabilities, populations served, data types, and maturity [levels] level regarding

- 541 data privacy practices;
- 542 (b) review statutory provisions related to governmental data privacy and records
543 management to:
- 544 (i) identify conflicts and gaps in data privacy law; and
545 (ii) standardize language; ~~and]~~
- 546 ~~[(iii) consult impacted agencies and the attorney general regarding findings and
547 proposed amendments;]~~
- 548 (c) work with ~~[state agencies]~~ governmental entities to study, research, and identify:
- 549 (i) additional data privacy [requirements] practices that are feasible for ~~[state agencies]~~
550 governmental entities;
- 551 (ii) potential remedies and accountability mechanisms for non-compliance of a ~~[state
552 agency]~~ governmental entity;
- 553 (iii) ways to expand ~~[individual]~~ an individual's control [and rights with respect to-]
554 over the individual's personal data [held by state agencies; and] processed by a
555 governmental entity;
- 556 (iv) resources needed to develop, implement, and improve data privacy programs; and
557 (v) best practices regarding:
- 558 (A) automated decision making;
559 (B) the creation and use of synthetic, de-identified, or anonymized data; and
560 (C) the use of website tracking technology;
- 561 (d) monitor high-risk data processing activities within ~~[state agencies]~~ governmental
562 entities;
- 563 ~~[(e) receive information from state agencies regarding the sale, sharing, and processing
564 personal data;]~~
- 565 ~~[(f)]~~ (e) coordinate with the Cyber Center to develop an incident response plan for data
566 breaches affecting governmental entities;
- 567 ~~[(g) coordinate with the state archivist to incorporate data privacy practices into records
568 management;]~~
- 569 ~~[(h) coordinate with the state archivist to incorporate data privacy training into the
570 trainings described in Section 63A-12-110; and]~~
- 571 ~~[(i)]~~ (f) coordinate with the state archivist to:
- 572 (i) incorporate data privacy practices into records management; and
573 (ii) include data privacy content in the trainings described in Section 63A-12-110; and
574 (g) create a data privacy training program for employees of governmental entities as

- 575 described in Section 63A-19-401.3.
- 576 [~~(4) The data privacy training program described in Subsection (3)(i) shall be made~~
577 ~~available to all governmental entities, and shall be designed to provide instruction~~
578 ~~regarding:~~]
- 579 [~~(a) data privacy best practices, obligations, and responsibilities; and]~~
580 [~~(b) the relationship between privacy, records management, and security.]~~
- 581 [~~(5)(a) Except as provided in Subsection (5)(b), an employee of a state agency shall~~
582 ~~complete the data privacy training program described in Subsection (3)(i):]~~
- 583 [~~(i) within 30 days of beginning employment; and]~~
584 [~~(ii) at least once in each calendar year.]~~
- 585 [~~(b) An employee of a state agency that does not have access to personal data as part of~~
586 ~~the employee's work duties is not required to complete the data privacy training~~
587 ~~program described in Subsection (3)(i).]~~
- 588 [~~(c) Each state agency is responsible for monitoring completion of data privacy training~~
589 ~~by the state agency's employees.]~~
- 590 [~~(6) (4) [To the extent that resources permit, the] The office may[-] :~~
- 591 ~~(a) provide expertise and assistance to governmental entities for [high risk] high-risk data~~
592 ~~processing activities[-] ;~~
- 593 ~~(b) create assessment tools and resources that a governmental entity may use to:~~
- 594 ~~(i) review, evaluate, and mature the governmental entity's privacy program, practices,~~
595 ~~and processing activities; and~~
- 596 ~~(ii) evaluate the privacy impact, privacy risk, and privacy compliance of the~~
597 ~~governmental entity's privacy program, practices, and processing activities;~~
- 598 ~~(c) charge a governmental entity a service fee, established in accordance with Section~~
599 ~~63J-1-504, for providing services that enable a governmental entity to perform the~~
600 ~~governmental entity's duties under Section 63A-19-401, if the governmental entity~~
601 ~~requests the office provide those services;~~
- 602 ~~(d) bill a state agency, as provided in Section 63J-1-410, for any services the office~~
603 ~~provides to a state agency;~~
- 604 ~~(e) provide funding to assist a governmental entity in complying with:~~
- 605 ~~(i) this chapter; and~~
- 606 ~~(ii) Title 63G, Chapter 2, Part 3, Classification, and Title 63G, Chapter 2, Part 6,~~
607 ~~Collection of Information and Accuracy of Records; and~~
- 608 ~~(f) make rules in accordance with Title 63G, Chapter 3, Utah Administrative~~

609 Rulemaking Act, to administer this part.

610 (5)(a) Upon application by a governmental entity, the office may:

611 (i) grant, for a limited period of time, a governmental entity with an:

612 (A) extension of time to comply with the requirements of this part; or

613 (B) exemption from complying with the requirements of this part; or

614 (ii) allow a governmental entity to establish a data privacy training program for the

615 governmental entity's employees to complete, instead of the data privacy training

616 program established by the office under Section 63A-19-401.3, if the

617 governmental entity's data privacy training program contains the same information

618 contained in the office's data privacy training program.

619 (b) If the office grants an exemption under Subsection (5)(a), the office shall report at

620 the next board meeting the:

621 (i) name of the governmental entity that received an exemption; and

622 (ii) nature of the exemption.

623 Section 11. Section **63A-19-401** is amended to read:

624 **63A-19-401 (Effective upon governor's approval). Duties of governmental**

625 **entities.**

626 (1)(a) Except as provided in Subsections (1)(b) and (c), a governmental entity shall

627 comply with the requirements of this part.

628 (b)(i) If a governmental entity or a contractor~~[-described in Subsection (4)(a)]~~ is

629 subject to a more restrictive or a more specific provision of law than found in this

630 part, the governmental entity or contractor shall comply with the more restrictive

631 or more specific provision of law.

632 (ii) For purposes of Subsection (1)(b)(i), Title 63G, Chapter 2, Government Records

633 Access and Management Act, is a more specific provision of law and shall control

634 over the provisions of this part.

635 (c) A governmental entity that is exempt under Section 63G-2-702, 63G-2-703, or

636 63G-2-704 from complying with the requirements in Title 63G, Chapter 2, Part 6,

637 Collection of Information and Accuracy of Records, is exempt from complying with

638 the requirements in Sections 63A-19-402, 63A-19-403, and 63A-19-404.

639 (2) A governmental entity shall:

640 ~~[(a) shall implement and maintain a privacy program before May 1, 2025, that includes~~

641 ~~the governmental entity's policies, practices, and procedures for the process of~~

642 ~~personal data;]~~

643 ~~[(b) shall provide notice to an individual or the legal guardian of an individual, if the~~
644 ~~individual's personal data is affected by a data breach, in accordance with Section~~
645 ~~63A-19-406;]~~

646 ~~[(e)] (a) initiate a data privacy program before July 1, 2025, that includes policies and~~
647 ~~procedures for protecting personal data;~~

648 ~~(b) [shall] obtain and process only the minimum amount of personal data reasonably~~
649 ~~necessary to efficiently achieve a specified purpose;~~

650 ~~[(d)] (c) [shall] meet the requirements of this part for all new processing activities~~
651 ~~implemented by a governmental entity after May 1, 2024; and~~

652 ~~[(e)] (d) [shall] for any processing activity implemented before May 1, 2024, as soon as~~
653 ~~is reasonably practicable, but no later than [January] July 1, 2027:~~

654 ~~(i) identify any non-compliant processing activity;~~
655 ~~(ii) document the non-compliant processing activity; and~~
656 ~~(iii) prepare a strategy for bringing the non-compliant processing activity into~~
657 ~~compliance with this part[;] .~~

658 ~~[(i)(i) that is a designated governmental entity, shall annually report to the state~~
659 ~~privacy officer:]~~

660 ~~[(A) the types of personal data the designated governmental entity currently shares~~
661 ~~or sells;]~~

662 ~~[(B) the basis for sharing or selling the personal data; and]~~

663 ~~[(C) the classes of persons and the governmental entities that receive the personal~~
664 ~~data from the designated governmental entity; and]~~

665 ~~[(ii) that is a state agency, shall annually report to the chief privacy officer:]~~

666 ~~[(A) the types of personal data the state agency currently shares or sells;]~~
667 ~~[(B) the basis for sharing or selling the personal data; and]~~
668 ~~[(C) the classes of persons and the governmental entities that receive the personal~~
669 ~~data from the state agency; and]~~

670 ~~[(j)(i) except as provided in Subsection (3), an employee of a governmental entity~~
671 ~~shall complete a data privacy training program:]~~

672 ~~[(A) within 30 days after beginning employment; and]~~
673 ~~[(B) at least once in each calendar year; and]~~

674 ~~[(k) is responsible for monitoring completion of data privacy training by the~~
675 ~~governmental entity's employees.]~~

676 ~~[(f)] (3) A governmental entity may not;~~

677 (a) ~~[-]establish, maintain, or use undisclosed or covert surveillance of individuals unless~~
 678 ~~permitted by law;~~

679 ~~[(g)] (b) [may not]sell personal data unless expressly required by law; and~~

680 ~~[(h)] (c) [may not]share personal data unless permitted by law[;] .~~

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

684 ~~[(4)(a) A contractor that enters into or renews an agreement with a governmental entity~~
 685 ~~after May 1, 2024, and processes or has access to personal data as a part of the~~
 686 ~~contractor's duties under the agreement, is subject to the requirements of this chapter~~
 687 ~~with regard to the personal data processed or accessed by the contractor to the same~~
 688 ~~extent as required of the governmental entity.]~~

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

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

696 Section 12. Section **63A-19-401.1** is enacted to read:

697 **63A-19-401.1 (Effective upon governor's approval). Privacy annotations.**

698 (1)(a) Beginning July 1, 2027, a state agency shall make a complete and accurate
 699 privacy annotation for each record series containing personal data that the state
 700 agency collects, maintains, or uses.

701 (b) After July 1, 2027, a state agency that has not created a privacy annotation for a
 702 record series containing personal data, may not collect, maintain, or use the personal
 703 data.

704 (2) If a state agency determines that a record series:

705 (a) does not contain personal data, the privacy annotation shall be limited to a statement
 706 indicating that the record series does not include personal data; or

707 (b) contains personal data, the privacy annotation shall include:

708 (i) an inventory of all personal data included in the record series;

709 (ii) a description of all purposes for which the state agency collects, keeps, or uses the
 710 personal data;

- 711 (iii) a citation to the state agency's legal authority for collecting, keeping, or using the
712 personal data; and
713 (iv) any other information required by the rules created by the office under Section
714 63A-19-301.

715 Section 13. Section **63A-19-401.2** is enacted to read:

716 **63A-19-401.2 (Effective upon governor's approval). Training requirements.**

717 (1) The data privacy training program created by the office under Section 63A-4-301 shall
718 be:

719 (a) designed to provide instruction regarding:

720 (i) data privacy best practices, obligations, and responsibilities; and

721 (ii) the relationship between privacy, records management, and security; and

722 (b) required for all employees of a governmental entity who:

723 (i) have access to personal data as part of the employee's work duties; or

724 (ii) supervise an employee who has access to personal data.

725 (2) The training described in Subsection (1) shall be completed:

726 (a) within 30 days after an employee of a governmental entity begins employment; and

727 (b) at least once in each calendar year.

728 (3) A governmental entity is responsible for:

729 (a) ensuring that each employee of the governmental entity completes the data privacy
730 training as required by Subsection (2); and

731 (b) reporting the governmental entity's compliance with the training requirements as
732 described in Section 63A-19-401.3.

733 Section 14. Section **63A-19-401.3** is enacted to read:

734 **63A-19-401.3 (Effective upon governor's approval). Privacy program report.**

735 (1) On or before September 1 of each year, the chief administrative officer of each
736 governmental entity shall prepare a report that includes:

737 (a) whether the governmental entity has initiated a privacy program;

738 (b) a description of:

739 (i) any privacy practices implemented by the governmental entity;

740 (ii) strategies for improving the governmental entity's privacy program and practices;

741 and

742 (iii) the governmental entity's high-risk processing activities;

743 (c) a list of the types of personal data the governmental entity currently shares, sells, or
744 purchases;

- 745 (d) the legal basis for sharing, selling, or purchasing personal data;
 746 (e) the category of individuals or entities:
 747 (i) with whom the governmental entity shares personal data;
 748 (ii) to whom the governmental entity sells personal data; or
 749 (iii) from whom the governmental entity purchases personal data; and
 750 (f) the governmental entity's level of compliance with the data privacy training
 751 requirements described in Section 63A-19-401.2.

752 (2) The report described in Subsection (1):

- 753 (a) shall be considered a protected record under Subsection 63G-2-305(12); and
 754 (b) may be made available at the request of the office.

755 Section 15. Section **63A-19-401.4** is enacted to read:

756 **63A-19-401.4 (Effective upon governor's approval). Requirements for**
 757 **contractors.**

758 (1) Except as provided in Subsection (4), a contractor is subject to the requirements of this
 759 chapter to the same extent as a governmental entity.

760 (2) A contract entered into or renewed after May 1, 2024, shall contain specific language
 761 which requires a contractor to comply with the requirements of this chapter to the same
 762 extent as required by a governmental entity.

763 (3) The requirements under this section are in addition to and do not replace any other
 764 requirements or liability that may be imposed for the contractor's violation of other laws
 765 protecting privacy rights or government records.

766 (4) All contractors shall complete:

- 767 (a) the data privacy training program established by the office under Section
 768 63A-19-401.3; or
 769 (b) a data privacy training program provided by the contractor that meets or exceeds
 770 industry standards for data privacy training.

771 Section 16. Section **63A-19-402** is amended to read:

772 **63A-19-402 (Effective upon governor's approval). Personal data collection --**
 773 **Privacy notice.**

774 (1) A governmental entity shall provide a [personal data request] privacy notice to an
 775 individual, or the legal guardian of an individual, from whom the governmental entity
 776 requests or collects personal data.

777 ~~[(2) The personal data request notice described in Subsection (1) shall include:]~~

778 ~~[(a) the reasons the individual is asked to provide the personal data;]~~

- 779 ~~[(b) the intended purposes and uses of the personal data;]~~
780 ~~[(e) the consequences for refusing to provide the personal data;]~~
781 ~~[(d) the classes of persons and entities that:]~~
782 ~~[(i) share the personal data with the governmental entity; or]~~
783 ~~[(ii) receive the personal data from the governmental entity on a regular or~~
784 ~~contractual basis; and]~~
785 ~~[(e) the record series in which the personal data is or will be included, if applicable.]~~
786 ~~[(3)]~~ (2) If the personal data collected by a governmental entity:
787 (a) would be classified as a public record under Section 63G-2-301, the privacy notice
788 shall be limited to a statement indicating that the individual's personal data may be
789 available to the public as provided by Section 63G-2-201; and
790 (b) would not be classified as a public record under Section 63G-2-301, the privacy
791 notice shall describe:
792 (i) all intended purposes and uses of the personal data;
793 (ii) the consequences for refusing to provide the personal data;
794 (iii) the classes of persons and governmental entities:
795 (A) with whom the governmental entity shares personal data; or
796 (B) to whom the governmental entity sells personal data; and
797 (iv) the record series in which the personal data is included.
798 (3) The governmental entity shall provide the ~~[personal data request]~~ privacy notice by:
799 (a) posting the ~~[personal data request]~~ privacy notice in a prominent place where the
800 governmental entity collects the personal data;
801 (b) including the ~~[personal data request]~~ privacy notice as part of any document or form
802 used by the governmental entity to collect the personal data; or
803 (c) ~~[conspicuously linking to or displaying a QR code linked to an electronic version of~~
804 ~~the personal data request notice as part of any document or form used by the~~
805 ~~governmental entity to collect the personal data]~~ including as part of any document or
806 form used by the governmental entity to collect personal data, a conspicuous link or
807 QR code that links to an electronic version of the privacy notice.
808 (4) The ~~[personal data request]~~ privacy notice required by this section is in addition to, and
809 does not supersede, any other notice requirement otherwise applicable to the
810 governmental entity.
811 (5) The governmental entity shall, upon request, provide the ~~[personal data request]~~ privacy
812 notice to an individual, or the legal guardian of an individual, regarding personal data

813 previously furnished by that individual.

814 (6) The governmental entity may only use personal data furnished by an individual for the
815 purposes identified in the ~~[personal data request]~~ privacy notice provided to that
816 individual.

817 Section 17. Section **63A-19-402.5** is enacted to read:

818 **63A-19-402.5 (Effective upon governor's approval). Website privacy notice.**

819 (1) A governmental entity's government website shall include notice to a user of:

820 (a) the identity of the governmental entity responsible for the government website;

821 (b) how to contact the governmental entity that is responsible for the government
822 website;

823 (c) the method by which a user may:

824 (i) seek access to the user's personal data or user data;

825 (ii) request to correct or amend the user's personal data or user data; and

826 (iii) file a complaint with the data privacy ombudsperson; and

827 (d) how an at-risk employee may request that the at-risk employee's personal
828 information be classified as a private record under Section 63G-2-302.

829 (2) In addition to the website privacy notice requirement described in Subsection (1)(a), a
830 government website that collects user data shall include in the website privacy notice the
831 following information:

832 (a) any website tracking technology that is used to collect user data on the government
833 website;

834 (b) what user data is collected by the government website;

835 (c) all intended purposes and uses of the user data;

836 (d) the classes of persons and governmental entities:

837 (i) with whom the governmental entity shares user data; or

838 (ii) to whom the governmental entity sells user data; and

839 (e) the record series in which the user data is included.

840 (3) A notice described in Subsection (1) or (2) shall be provided by prominently posting on
841 the homepage of the government website:

842 (a) the notice; or

843 (b) a link to a separate webpage containing the notice.

844 (4) A governmental entity may not collect user data on a government website unless the
845 governmental entity has complied with the requirements in this section.

846 Section 18. Section **63A-19-405** is amended to read:

847 **63A-19-405 (Effective upon governor's approval). Data breach notification to**
848 **the Cyber Center and the Office of the Attorney General.**

- 849 (1)(a) A governmental entity that identifies a data breach affecting 500 or more
850 individuals shall notify the Cyber Center and the attorney general of the data breach.
- 851 (b) In addition to the notification required by Subsection (1)(a), a governmental entity
852 that identifies the unauthorized access, acquisition, disclosure, loss of access, or
853 destruction of data that compromises the security, confidentiality, availability, or
854 integrity of the computer systems used or information maintained by the
855 governmental entity shall notify the Cyber Center.
- 856 (2) The notification under Subsection (1) shall:
- 857 (a) be made without unreasonable delay, but no later than five days from the discovery
858 of the data breach; and
- 859 (b) include the following information:
- 860 (i) the date and time the data breach occurred;
- 861 (ii) the date the data breach was discovered;
- 862 (iii) a short description of the data breach that occurred;
- 863 (iv) the means by which access was gained to the system, computer, or network;
- 864 (v) the ~~[individual or entity]~~ person who perpetrated the data breach;
- 865 (vi) steps the governmental entity is or has taken to mitigate the impact of the data
866 breach; and
- 867 (vii) any other details requested by the Cyber Center.
- 868 (3) For a data breach under Subsection (1)(a), the governmental entity shall provide the
869 following information to the Cyber Center and the attorney general in addition to the
870 information required under Subsection (2)(b):
- 871 (a) the total number of ~~[people]~~ individuals affected by the data breach, including the
872 total number of Utah residents affected; and
- 873 (b) the type of personal data involved in the data breach.
- 874 (4) If the information required by ~~[Subsection (2)(b)]~~ Subsections (2)(b) and (3) is not
875 available within five days of discovering the breach, the governmental entity shall
876 provide as much of the information required under ~~[Subsection (2)(b)]~~ Subsections (2)(b)
877 and (3) as is available and supplement the notification with additional information as
878 soon as the information becomes available.
- 879 (5)(a) A governmental entity that experiences a data breach affecting fewer than 500
880 individuals shall create an internal incident report containing the information in

881 Subsection (2)(b) as soon as practicable and shall provide additional information as
882 the information becomes available.

883 (b) A governmental entity shall provide to the Cyber Center:

884 (i) an internal incident report described in Subsection (5)(a) upon request of the
885 Cyber Center; and

886 (ii) an annual report logging all of the governmental entity's data breach incidents
887 affecting fewer than 500 individuals.

888 Section 19. Section **63A-19-406** is amended to read:

889 **63A-19-406 (Effective upon governor's approval). Data breach notice to**
890 **individuals affected by data breach.**

891 (1)(a) ~~[A]~~ Except as provided in Subsection (1)(b), a governmental entity shall provide a
892 data breach notice to an individual or legal guardian of an individual affected by the
893 data breach:

894 ~~[(a)]~~ (i) after determining the scope of the data breach;

895 ~~[(b)]~~ (ii) after restoring the reasonable integrity of the affected system, if necessary;
896 and

897 ~~[(c)]~~ (iii) without unreasonable delay except as provided in Subsection ~~[(1)(b):]~~ (2).

898 (b) A governmental entity is not required to provide a data breach notice to an affected
899 individual as described in Subsection (1)(a) if the:

900 (i) personal data involved in the data breach would be classified as a public record
901 under Section 63G-2-301; and

902 (ii) the governmental entity prominently posts notice of the data breach on the
903 homepage of the governmental entity's government website.

904 (2) A governmental entity shall delay providing notification under Subsection (1) at the
905 request of a law enforcement agency that determines that notification may impede a
906 criminal investigation, until such time as the law enforcement agency informs the
907 governmental entity that notification will no longer impede the criminal investigation.

908 (3) The data breach notice to an affected individual shall include:

909 (a) a description of the data breach;

910 (b) the individual's personal data that was accessed or may have been accessed;

911 (c) steps the governmental entity is taking or has taken to mitigate the impact of the data
912 breach;

913 (d) recommendations to the individual on how to protect themselves from identity theft
914 and other financial losses; and

- 915 (e) any other language required by the Cyber Center.
- 916 (4) Unless the governmental entity reasonably believes that providing notification would
917 pose a threat to the safety of an individual, or unless an individual has designated to the
918 governmental entity a preferred method of communication, a governmental entity shall
919 provide notice by:
- 920 (a)(i) email, if reasonably available and allowed by law; or
921 (ii) mail; and
- 922 (b) one of the following methods, if the individual's contact information is reasonably
923 available and the method is allowed by law:
- 924 (i) text message with a summary of the data breach notice and instructions for
925 accessing the full notice; or
- 926 (ii) telephone message with a summary of the data breach notice and instructions for
927 accessing the full data breach notice.
- 928 (5) A governmental entity shall also provide a data breach notice in a manner that is
929 reasonably calculated to have the best chance of being received by the affected
930 individual or the legal guardian of an individual, such as through a press release, posting
931 on appropriate social media accounts, or publishing notice in a newspaper of general
932 circulation when:
- 933 (a) a data breach affects more than 500 individuals; and
- 934 (b) a governmental entity is unable to obtain an individual's contact information to
935 provide notice for any method listed in Subsection (4).
- 936 Section 20. Section **63A-19-601** is amended to read:
- 937 **63A-19-601 (Effective upon governor's approval). Enforcement.**
- 938 (1) Upon instruction by the board, the state auditor shall:
- 939 (a) investigate alleged violations of this chapter by a governmental entity;
- 940 (b) provide notice to the relevant governmental entity of an alleged violation of this
941 chapter; and
- 942 (c) for a violation that the state auditor substantiates, provide an opportunity for the
943 governmental entity to cure the violation within 30 days.
- 944 (2) If a governmental entity fails to cure a violation as provided in Subsection (1)(c), the
945 state auditor shall report the governmental entity's failure:
- 946 (a) for a ~~designated~~ governmental entity that is not a state agency, to the attorney
947 general for enforcement under Subsection (3); and
- 948 (b) for a state agency, to the Legislative Management Committee.

949 (3) After referral by the state auditor under Subsection (2)(a), the attorney general may file
950 an action in district court to:

951 (a) enjoin a [~~designated~~]governmental entity that is not a state agency from violating
952 this chapter; or

953 (b) require a [~~designated~~]governmental entity that is not a state agency to comply with
954 this chapter.

955 Section 21. Section **63A-19-602** is enacted to read:

956 **63A-19-602 (Effective upon governor's approval). Disciplinary action.**

957 A governmental entity may take disciplinary action, which may include suspension or
958 discharge, against any employee of the governmental entity who intentionally violates any
959 provision of this chapter.

960 Section 22. Section **63G-2-103** is amended to read:

961 **63G-2-103 (Effective upon governor's approval). Definitions.**

962 As used in this chapter:

963 (1) "Audit" means:

964 (a) a systematic examination of financial, management, program, and related records for
965 the purpose of determining the fair presentation of financial statements, adequacy of
966 internal controls, or compliance with laws and regulations; or

967 (b) a systematic examination of program procedures and operations for the purpose of
968 determining their effectiveness, economy, efficiency, and compliance with statutes
969 and regulations.

970 (2) "Chief administrative officer" means the same as that term is defined in Section

971 63A-12-100.5.

972 [~~(2)~~] (3) "Chronological logs" mean the regular and customary summary records of law
973 enforcement agencies and other public safety agencies that show:

974 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
975 and

976 (b) any arrests or jail bookings made by the agency.

977 [~~(3)~~] (4) "Classification," "classify," and their derivative forms mean determining whether a
978 record series, record, or information within a record is public, private, controlled,
979 protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

980 [~~(4)~~] (5)(a) "Computer program" means:

981 (i) a series of instructions or statements that permit the functioning of a computer
982 system in a manner designed to provide storage, retrieval, and manipulation of

- 983 data from the computer system; and
- 984 (ii) any associated documentation and source material that explain how to operate the
985 computer program.
- 986 (b) "Computer program" does not mean:
- 987 (i) the original data, including numbers, text, voice, graphics, and images;
- 988 (ii) analysis, compilation, and other manipulated forms of the original data produced
989 by use of the program; or
- 990 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
991 algorithms contained in the program, that would be used if the manipulated forms
992 of the original data were to be produced manually.
- 993 ~~[(5)]~~ (6)(a) "Contractor" means:
- 994 (i) any person who contracts with a governmental entity to provide goods or services
995 directly to a governmental entity; or
- 996 (ii) any private, nonprofit organization that receives funds from a governmental entity.
- 997 (b) "Contractor" does not mean a private provider.
- 998 ~~[(6)]~~ (7) "Controlled record" means a record containing data on individuals that is controlled
999 as provided by Section 63G-2-304.
- 1000 ~~[(7)]~~ (8) "Designation," "designate," and their derivative forms mean indicating, based on a
1001 governmental entity's familiarity with a record series or based on a governmental entity's
1002 review of a reasonable sample of a record series, the primary classification that a
1003 majority of records in a record series would be given if classified and the classification
1004 that other records typically present in the record series would be given if classified.
- 1005 ~~[(8)]~~ (9) "Elected official" means each person elected to a state office, county office,
1006 municipal office, school board or school district office, special district office, or special
1007 service district office, but does not include judges.
- 1008 ~~[(9)]~~ (10) "Explosive" means a chemical compound, device, or mixture:
- 1009 (a) commonly used or intended for the purpose of producing an explosion; and
- 1010 (b) that contains oxidizing or combustive units or other ingredients in proportions,
1011 quantities, or packing so that:
- 1012 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
1013 compound or mixture may cause a sudden generation of highly heated gases; and
- 1014 (ii) the resultant gaseous pressures are capable of:
- 1015 (A) producing destructive effects on contiguous objects; or
- 1016 (B) causing death or serious bodily injury.

1017 ~~[(10)]~~ (11) "Government audit agency" means any governmental entity that conducts an
1018 audit.

1019 ~~[(11)]~~ (12)(a) "Governmental entity" means:

1020 (i) executive department agencies of the state, the offices of the governor, lieutenant
1021 governor, state auditor, attorney general, and state treasurer, the Board of Pardons
1022 and Parole, the Board of Examiners, the National Guard, the Career Service
1023 Review Office, the State Board of Education, the Utah Board of Higher
1024 Education, and the State Archives;

1025 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
1026 Analyst, Office of Legislative Research and General Counsel, the Legislature, and
1027 legislative committees, except any political party, group, caucus, or rules or sifting
1028 committee of the Legislature;

1029 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
1030 administrative units in the judicial branch;

1031 (iv) any state-funded institution of higher education or public education; or

1032 (v) any political subdivision of the state, but, if a political subdivision has adopted an
1033 ordinance or a policy relating to information practices pursuant to Section
1034 63G-2-701, this chapter shall apply to the political subdivision to the extent
1035 specified in Section 63G-2-701 or as specified in any other section of this chapter
1036 that specifically refers to political subdivisions.

1037 (b) "Governmental entity" also means:

1038 (i) every office, agency, board, bureau, committee, department, advisory board, or
1039 commission of an entity listed in Subsection ~~[(11)(a)]~~ (12)(a) that is funded or
1040 established by the government to carry out the public's business;

1041 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
1042 undertaking, except for the Water District Water Development Council created
1043 pursuant to Section 11-13-228;

1044 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;

1045 (iv) an association as defined in Section 53G-7-1101;

1046 (v) the Utah Independent Redistricting Commission; and

1047 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or
1048 more law enforcement officers, as defined in Section 53-13-103.

1049 (c) "Governmental entity" does not include the Utah Educational Savings Plan created in
1050 Section 53B-8a-103.

- 1051 ~~[(12)]~~ (13) "Gross compensation" means every form of remuneration payable for a given
1052 period to an individual for services provided including salaries, commissions, vacation
1053 pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind,
1054 and any similar benefit received from the individual's employer.
- 1055 ~~[(13)]~~ (14) "Individual" means a human being.
- 1056 ~~[(14)]~~ (15)(a) "Initial contact report" means an initial written or recorded report, however
1057 titled, prepared by peace officers engaged in public patrol or response duties
1058 describing official actions initially taken in response to either a public complaint
1059 about or the discovery of an apparent violation of law, which report may describe:
- 1060 (i) the date, time, location, and nature of the complaint, the incident, or offense;
 - 1061 (ii) names of victims;
 - 1062 (iii) the nature or general scope of the agency's initial actions taken in response to the
1063 incident;
 - 1064 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
 - 1065 (v) the name, address, and other identifying information about any person arrested or
1066 charged in connection with the incident; or
 - 1067 (vi) the identity of the public safety personnel, except undercover personnel, or
1068 prosecuting attorney involved in responding to the initial incident.
- 1069 (b) Initial contact reports do not include follow-up or investigative reports prepared after
1070 the initial contact report. However, if the information specified in Subsection [
1071 ~~(14)(a)-~~ (15)(a)] appears in follow-up or investigative reports, it may only be treated
1072 confidentially if it is private, controlled, protected, or exempt from disclosure under
1073 Subsection 63G-2-201(3)(b).
- 1074 (c) Initial contact reports do not include accident reports, as that term is described in
1075 Title 41, Chapter 6a, Part 4, Accident Responsibilities.
- 1076 ~~[(15)]~~ (16) "Legislative body" means the Legislature.
- 1077 ~~[(16)]~~ (17) "Notice of compliance" means a statement confirming that a governmental entity
1078 has complied with an order of the State Records Committee.
- 1079 ~~[(17)]~~ (18) "Person" means:
- 1080 (a) an individual;
 - 1081 (b) a nonprofit or profit corporation;
 - 1082 (c) a partnership;
 - 1083 (d) a sole proprietorship;
 - 1084 (e) other type of business organization; or

- 1085 (f) any combination acting in concert with one another.
- 1086 [~~(18)~~ "Personal identifying information" means the same as that term is defined in Section
1087 ~~63A-12-100.5.~~]
- 1088 [~~(19)~~ "Privacy annotation" means the same as that term is defined in Section ~~63A-12-100.5.~~]
- 1089 [~~(20)~~ (19) "Private provider" means any person who contracts with a governmental entity to
1090 provide services directly to the public.
- 1091 [~~(21)~~ (20) "Private record" means a record containing data on individuals that is private as
1092 provided by Section 63G-2-302.
- 1093 [~~(22)~~ (21) "Protected record" means a record that is classified protected as provided by
1094 Section 63G-2-305.
- 1095 [~~(23)~~ (22) "Public record" means a record that is not private, controlled, or protected and
1096 that is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).
- 1097 [~~(24)~~ (23) "Reasonable search" means a search that is:
- 1098 (a) reasonable in scope and intensity; and
- 1099 (b) not unreasonably burdensome for the government entity.
- 1100 [~~(25)~~ (24)(a) "Record" means a book, letter, document, paper, map, plan, photograph,
1101 film, card, tape, recording, electronic data, or other documentary material regardless
1102 of physical form or characteristics:
- 1103 (i) that is prepared, owned, received, or retained by a governmental entity or political
1104 subdivision; and
- 1105 (ii) where all of the information in the original is reproducible by photocopy or other
1106 mechanical or electronic means.
- 1107 (b) "Record" does not include:
- 1108 (i) a personal note or personal communication prepared or received by an employee
1109 or officer of a governmental entity:
- 1110 (A) in a capacity other than the employee's or officer's governmental capacity; or
1111 (B) that is unrelated to the conduct of the public's business;
- 1112 (ii) a temporary draft or similar material prepared for the originator's personal use or
1113 prepared by the originator for the personal use of an individual for whom the
1114 originator is working;
- 1115 (iii) material that is legally owned by an individual in the individual's private capacity;
- 1116 (iv) material to which access is limited by the laws of copyright or patent unless the
1117 copyright or patent is owned by a governmental entity or political subdivision;
- 1118 (v) proprietary software;

- 1119 (vi) junk mail or a commercial publication received by a governmental entity or an
1120 official or employee of a governmental entity;
- 1121 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
1122 of a library open to the public;
- 1123 (viii) material that is cataloged, indexed, or inventoried and contained in the
1124 collections of a library open to the public, regardless of physical form or
1125 characteristics of the material;
- 1126 (ix) a daily calendar ;
- 1127 (x) a note prepared by the originator for the originator's own use or for the sole use of
1128 an individual for whom the originator is working;
- 1129 (xi) a computer program that is developed or purchased by or for any governmental
1130 entity for its own use;
- 1131 (xii) a note or internal memorandum prepared as part of the deliberative process by:
1132 (A) a member of the judiciary;
1133 (B) an administrative law judge;
1134 (C) a member of the Board of Pardons and Parole; or
1135 (D) a member of any other body, other than an association or appeals panel as
1136 defined in Section 53G-7-1101, charged by law with performing a
1137 quasi-judicial function;
- 1138 (xiii) a telephone number or similar code used to access a mobile communication
1139 device that is used by an employee or officer of a governmental entity, provided
1140 that the employee or officer of the governmental entity has designated at least one
1141 business telephone number that is a public record as provided in Section
1142 63G-2-301;
- 1143 (xiv) information provided by the Public Employees' Benefit and Insurance Program,
1144 created in Section 49-20-103, to a county to enable the county to calculate the
1145 amount to be paid to a health care provider under Subsection 17-50-319(2)(e)(ii);
- 1146 (xv) information that an owner of unimproved property provides to a local entity as
1147 provided in Section 11-42-205;
- 1148 (xvi) a video or audio recording of an interview, or a transcript of the video or audio
1149 recording, that is conducted at a Children's Justice Center established under
1150 Section 67-5b-102;
- 1151 (xvii) child sexual abuse material, as defined by Section 76-5b-103;
- 1152 (xviii) before final disposition of an ethics complaint occurs, a video or audio

- 1153 recording of the closed portion of a meeting or hearing of:
- 1154 (A) a Senate or House Ethics Committee;
- 1155 (B) the Independent Legislative Ethics Commission;
- 1156 (C) the Independent Executive Branch Ethics Commission, created in Section
- 1157 63A-14-202; or
- 1158 (D) the Political Subdivisions Ethics Review Commission established in Section
- 1159 63A-15-201;
- 1160 (xix) confidential communication described in Section 58-60-102, 58-61-102, or
- 1161 58-61-702;
- 1162 (xx) any item described in Subsection [~~(25)(a)~~] (24)(a) that is:
- 1163 (A) described in Subsection 63G-2-305(17), (18), or (23)(b); and
- 1164 (B) shared between any of the following entities:
- 1165 (I) the Division of Risk Management;
- 1166 (II) the Office of the Attorney General;
- 1167 (III) the governor's office; or
- 1168 (IV) the Legislature; or
- 1169 (xxi) the email address that a candidate for elective office provides to a filing officer
- 1170 under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv).
- 1171 [~~(26)~~] (25) "Record series" means a group of records that may be treated as a unit for
- 1172 purposes of designation, description, management, or disposition.
- 1173 [~~(27)~~] (26) "Records officer" means the individual appointed by the chief administrative
- 1174 officer of each governmental entity, or the political subdivision to work with state
- 1175 archives in the care, maintenance, scheduling, designation, classification, disposal, and
- 1176 preservation of records.
- 1177 [~~(28)~~] (27) "Schedule," "scheduling," and their derivative forms mean the process of
- 1178 specifying the length of time each record series should be retained by a governmental
- 1179 entity for administrative, legal, fiscal, or historical purposes and when each record series
- 1180 should be transferred to the state archives or destroyed.
- 1181 [~~(29)~~] (28) "Sponsored research" means research, training, and other sponsored activities as
- 1182 defined by the federal Executive Office of the President, Office of Management and
- 1183 Budget:
- 1184 (a) conducted:
- 1185 (i) by an institution within the state system of higher education defined in Section
- 1186 53B-1-102; and

- 1187 (ii) through an office responsible for sponsored projects or programs; and
 1188 (b) funded or otherwise supported by an external:
 1189 (i) person that is not created or controlled by the institution within the state system of
 1190 higher education; or
 1191 (ii) federal, state, or local governmental entity.

1192 ~~[(30)]~~ (29) "State archives" means the Division of Archives and Records Service created in
 1193 Section 63A-12-101.

1194 ~~[(31)]~~ (30) "State archivist" means the director of the state archives.

1195 ~~[(32)]~~ (31) "State Records Committee" means the State Records Committee created in
 1196 Section 63G-2-501.

1197 ~~[(33)]~~ (32) "Summary data" means statistical records and compilations that contain data
 1198 derived from private, controlled, or protected information but that do not disclose
 1199 private, controlled, or protected information.

1200 Section 23. Section **63G-2-307** is amended to read:

1201 **63G-2-307 (Effective upon governor's approval). Duty to evaluate records and**
 1202 **make designations, classifications, and annotations.**

1203 (1) A governmental entity shall, for each record series that the governmental entity keeps,
 1204 uses, or creates:

- 1205 (a) evaluate all record series;
 1206 (b) designate each record series as provided by this chapter and Title 63A, Chapter 12,
 1207 Division of Archives and Records Service and Management of Government Records;
 1208 and

1209 (c) report to the state archives~~[:]~~ the designation described in Subsection (1)(b).

1210 ~~[(i) the designation described in Subsection (1)(b); and]~~

1211 ~~[(ii) if the governmental entity is an executive branch agency, as defined in Section~~
 1212 ~~63A-12-100.5, the privacy annotation.]~~

1213 (2) A governmental entity may classify a particular record, record series, or information
 1214 within a record at any time, but is not required to classify a particular record, record
 1215 series, or information until access to the record is requested.

1216 (3) A governmental entity may redesignate a record series or reclassify a record or record
 1217 series, or information within a record at any time.

1218 Section 24. Section **63G-2-601** is amended to read:

1219 **63G-2-601 (Effective upon governor's approval). Rights of individuals on whom**
 1220 **data is maintained -- Classification statement filed with state archivist -- Notice to**

1221 **provider of information.**

1222 (1)(a) Each governmental entity shall file with the state archivist a statement explaining,
 1223 for each record series collected, maintained, or used by the governmental entity, the
 1224 purposes for which each private or controlled record in the record series is collected,
 1225 maintained, or used by that governmental entity.

1226 ~~[(b) Each executive branch agency, as defined in Section 63A-12-100.5, shall file with~~
 1227 ~~the state archivist a statement explaining, for each record series collected, maintained,~~
 1228 ~~or used by the executive branch agency, the purposes for which the personal~~
 1229 ~~identifying information in the record series is collected, maintained, or used by the~~
 1230 ~~executive branch agency.]~~

1231 ~~[(e)]~~ (b) The statement filed under Subsection (1)(a)~~[-or-(b)]~~:

1232 (i) shall~~[-, for each purpose described in Subsection (1)(a) or (b),]~~ identify the
 1233 authority under which the governmental entity ~~[or executive branch agency]~~
 1234 collects the records or information included in the statement described in
 1235 Subsection (1)(a)~~[-or-(b)]~~; and

1236 (ii) is a public record.

1237 (2)(a) A governmental entity shall provide the notice described in this Subsection (2) to
 1238 a person that is asked to furnish information that could be classified as a private or
 1239 controlled record.

1240 ~~[(b) An executive branch agency, as defined in Section 63A-12-100.5, shall provide the~~
 1241 ~~notice described in this Subsection (2) to a person that is asked to furnish personal~~
 1242 ~~identifying information.]~~

1243 ~~[(e)]~~ (b) The notice required under Subsection (2)(a)~~[-or-(b)]~~ shall:

1244 (i) identify the record series that includes the information described in Subsection
 1245 (2)(a)~~[-or-(b)]~~;

1246 (ii) state the reasons the person is asked to furnish the information;

1247 (iii) state the intended uses of the information;

1248 (iv) state the consequences for refusing to provide the information; and

1249 (v) disclose the classes of persons and the governmental entities that currently:

1250 (A) share the information with the governmental entity; or

1251 (B) receive the information from the governmental entity on a regular or
 1252 contractual basis.

1253 ~~[(d)]~~ (c) The governmental entity shall:

1254 (i) post the notice required under this Subsection (2) in a prominent place at all

- 1255 locations where the governmental entity collects the information; or
- 1256 (ii) include the notice required under this Subsection (2) as part of the documents or
- 1257 forms that are used by the governmental entity to collect the information.
- 1258 (3) Upon request, each governmental entity shall, in relation to the information described in
- 1259 Subsection (2)(a)[~~or (b)~~], as applicable, explain to a person:
- 1260 (a) the reasons the person is asked to furnish information;
- 1261 (b) the intended uses of the information;
- 1262 (c) the consequences for refusing to provide the information; and
- 1263 (d) the reasons and circumstances under which the information may be shared with, or
- 1264 provided to, other persons or governmental entities.
- 1265 (4) A governmental entity may use the information that the governmental entity is required
- 1266 to disclose under Subsection (2)(a)[~~or (b)~~] only for those purposes:
- 1267 (a) given in the statement filed with the state archivist under Subsection (1); or
- 1268 (b) for which another governmental entity may use the record under Section 63G-2-206.
- 1269 Section 25. Section **67-3-1** is amended to read:
- 1270 **67-3-1 (Effective upon governor's approval). Functions and duties.**
- 1271 (1)(a) The state auditor is the auditor of public accounts and is independent of any
- 1272 executive or administrative officers of the state.
- 1273 (b) The state auditor is not limited in the selection of personnel or in the determination
- 1274 of the reasonable and necessary expenses of the state auditor's office.
- 1275 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
- 1276 financial statements showing:
- 1277 (a) the condition of the state's finances;
- 1278 (b) the revenues received or accrued;
- 1279 (c) expenditures paid or accrued;
- 1280 (d) the amount of unexpended or unencumbered balances of the appropriations to the
- 1281 agencies, departments, divisions, commissions, and institutions; and
- 1282 (e) the cash balances of the funds in the custody of the state treasurer.
- 1283 (3)(a) The state auditor shall:
- 1284 (i) audit each permanent fund, each special fund, the General Fund, and the accounts
- 1285 of any department of state government or any independent agency or public
- 1286 corporation as the law requires, as the auditor determines is necessary, or upon
- 1287 request of the governor or the Legislature;
- 1288 (ii) perform the audits in accordance with generally accepted auditing standards and

- 1289 other auditing procedures as promulgated by recognized authoritative bodies; and
- 1290 (iii) as the auditor determines is necessary, conduct the audits to determine:
- 1291 (A) honesty and integrity in fiscal affairs;
- 1292 (B) accuracy and reliability of financial statements;
- 1293 (C) effectiveness and adequacy of financial controls; and
- 1294 (D) compliance with the law.
- 1295 (b) If any state entity receives federal funding, the state auditor shall ensure that the
- 1296 audit is performed in accordance with federal audit requirements.
- 1297 (c)(i) The costs of the federal compliance portion of the audit may be paid from an
- 1298 appropriation to the state auditor from the General Fund.
- 1299 (ii) If an appropriation is not provided, or if the federal government does not
- 1300 specifically provide for payment of audit costs, the costs of the federal compliance
- 1301 portions of the audit shall be allocated on the basis of the percentage that each
- 1302 state entity's federal funding bears to the total federal funds received by the state.
- 1303 (iii) The allocation shall be adjusted to reflect any reduced audit time required to
- 1304 audit funds passed through the state to local governments and to reflect any
- 1305 reduction in audit time obtained through the use of internal auditors working
- 1306 under the direction of the state auditor.
- 1307 (4)(a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
- 1308 financial audits, and as the auditor determines is necessary, conduct performance and
- 1309 special purpose audits, examinations, and reviews of any entity that receives public
- 1310 funds, including a determination of any or all of the following:
- 1311 (i) the honesty and integrity of all the entity's fiscal affairs;
- 1312 (ii) whether the entity's administrators have faithfully complied with legislative intent;
- 1313 (iii) whether the entity's operations have been conducted in an efficient, effective, and
- 1314 cost-efficient manner;
- 1315 (iv) whether the entity's programs have been effective in accomplishing the intended
- 1316 objectives; and
- 1317 (v) whether the entity's management, control, and information systems are adequate,
- 1318 effective, and secure.
- 1319 (b) The auditor may not conduct performance and special purpose audits, examinations,
- 1320 and reviews of any entity that receives public funds if the entity:
- 1321 (i) has an elected auditor; and
- 1322 (ii) has, within the entity's last budget year, had the entity's financial statements or

- 1323 performance formally reviewed by another outside auditor.
- 1324 (5) The state auditor:
- 1325 (a) shall administer any oath or affirmation necessary to the performance of the duties of
- 1326 the auditor's office; and
- 1327 (b) may:
- 1328 (i) subpoena witnesses and documents, whether electronic or otherwise; and
- 1329 (ii) examine into any matter that the auditor considers necessary.
- 1330 (6) The state auditor may require all persons who have had the disposition or management
- 1331 of any property of this state or its political subdivisions to submit statements regarding
- 1332 the property at the time and in the form that the auditor requires.
- 1333 (7) The state auditor shall:
- 1334 (a) except where otherwise provided by law, institute suits in Salt Lake County in
- 1335 relation to the assessment, collection, and payment of revenues against:
- 1336 (i) persons who by any means have become entrusted with public money or property
- 1337 and have failed to pay over or deliver the money or property; and
- 1338 (ii) all debtors of the state;
- 1339 (b) collect and pay into the state treasury all fees received by the state auditor;
- 1340 (c) perform the duties of a member of all boards of which the state auditor is a member
- 1341 by the constitution or laws of the state, and any other duties that are prescribed by the
- 1342 constitution and by law;
- 1343 (d) stop the payment of the salary of any state official or state employee who:
- 1344 (i) refuses to settle accounts or provide required statements about the custody and
- 1345 disposition of public funds or other state property;
- 1346 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
- 1347 board or department head with respect to the manner of keeping prescribed
- 1348 accounts or funds; or
- 1349 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
- 1350 official's or employee's attention;
- 1351 (e) establish accounting systems, methods, and forms for public accounts in all taxing or
- 1352 fee-assessing units of the state in the interest of uniformity, efficiency, and economy;
- 1353 (f) superintend the contractual auditing of all state accounts;
- 1354 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
- 1355 property taxes from a state or local taxing or fee-assessing unit, if necessary, to
- 1356 ensure that officials and employees in those taxing units comply with state laws and

- 1357 procedures in the budgeting, expenditures, and financial reporting of public funds;
- 1358 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
- 1359 if necessary, to ensure that officials and employees in the county comply with
- 1360 Section 59-2-303.1; and
- 1361 (i) withhold state allocated funds or the disbursement of property taxes from a local
- 1362 government entity or a limited purpose entity, as those terms are defined in Section
- 1363 67-1a-15 if the state auditor finds the withholding necessary to ensure that the entity
- 1364 registers and maintains the entity's registration with the lieutenant governor, in
- 1365 accordance with Section 67-1a-15.
- 1366 (8)(a) Except as otherwise provided by law, the state auditor may not withhold funds
- 1367 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received
- 1368 formal written notice of noncompliance from the auditor and has been given 60 days
- 1369 to make the specified corrections.
- 1370 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
- 1371 fee-assessing unit that exclusively assesses fees has not made corrections to comply
- 1372 with state laws and procedures in the budgeting, expenditures, and financial reporting
- 1373 of public funds, the state auditor:
- 1374 (i) shall provide a recommended timeline for corrective actions;
- 1375 (ii) may prohibit the state or local fee-assessing unit from accessing money held by
- 1376 the state; and
- 1377 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
- 1378 account of a financial institution by filing an action in a court with jurisdiction
- 1379 under Title 78A, Judiciary and Judicial Administration, requesting an order of the
- 1380 court to prohibit a financial institution from providing the fee-assessing unit
- 1381 access to an account.
- 1382 (c) The state auditor shall remove a limitation on accessing funds under Subsection
- 1383 (8)(b) upon compliance with state laws and procedures in the budgeting,
- 1384 expenditures, and financial reporting of public funds.
- 1385 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
- 1386 state law, the state auditor:
- 1387 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
- 1388 comply;
- 1389 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
- 1390 state; and

- 1391 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
1392 account of a financial institution by:
- 1393 (A) contacting the taxing or fee-assessing unit's financial institution and
1394 requesting that the institution prohibit access to the account; or
1395 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
1396 Judicial Administration, requesting an order of the court to prohibit a financial
1397 institution from providing the taxing or fee-assessing unit access to an account.
- 1398 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state law,
1399 the state auditor shall eliminate a limitation on accessing funds described in
1400 Subsection (8)(d).
- 1401 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
1402 received formal written notice of noncompliance from the auditor and has been given 60
1403 days to make the specified corrections.
- 1404 (10)(a) The state auditor may not withhold funds under Subsection (7)(i) until the state
1405 auditor receives a notice of non-registration, as that term is defined in Section
1406 67-1a-15.
- 1407 (b) If the state auditor receives a notice of non-registration, the state auditor may
1408 prohibit the local government entity or limited purpose entity, as those terms are
1409 defined in Section 67-1a-15, from accessing:
- 1410 (i) money held by the state; and
1411 (ii) money held in an account of a financial institution by:
- 1412 (A) contacting the entity's financial institution and requesting that the institution
1413 prohibit access to the account; or
1414 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
1415 Judicial Administration, requesting an order of the court to prohibit a financial
1416 institution from providing the entity access to an account.
- 1417 (c) The state auditor shall remove the prohibition on accessing funds described in
1418 Subsection (10)(b) if the state auditor received a notice of registration, as that term is
1419 defined in Section 67-1a-15, from the lieutenant governor.
- 1420 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the state
1421 auditor:
- 1422 (a) shall authorize a disbursement by a local government entity or limited purpose entity,
1423 as those terms are defined in Section 67-1a-15, or a state or local taxing or
1424 fee-assessing unit if the disbursement is necessary to:

- 1425 (i) avoid a major disruption in the operations of the local government entity, limited
1426 purpose entity, or state or local taxing or fee-assessing unit; or
1427 (ii) meet debt service obligations; and
- 1428 (b) may authorize a disbursement by a local government entity, limited purpose entity,
1429 or state or local taxing or fee-assessing unit as the state auditor determines is
1430 appropriate.
- 1431 (12)(a) The state auditor may seek relief under the Utah Rules of Civil Procedure to take
1432 temporary custody of public funds if an action is necessary to protect public funds
1433 from being improperly diverted from their intended public purpose.
- 1434 (b) If the state auditor seeks relief under Subsection (12)(a):
- 1435 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);
1436 and
- 1437 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if
1438 a court orders the public funds to be protected from improper diversion from their
1439 public purpose.
- 1440 (13) The state auditor shall:
- 1441 (a) establish audit guidelines and procedures for audits of local mental health and
1442 substance abuse authorities and their contract providers, conducted pursuant to Title
1443 17, Chapter 43, Part 2, Local Substance Abuse Authorities, Title 17, Chapter 43, Part
1444 3, Local Mental Health Authorities, Title 26B, Chapter 5, Health Care - Substance
1445 Use and Mental Health, and Title 51, Chapter 2a, Accounting Reports from Political
1446 Subdivisions, Interlocal Organizations, and Other Local Entities Act; and
- 1447 (b) ensure that those guidelines and procedures provide assurances to the state that:
- 1448 (i) state and federal funds appropriated to local mental health authorities are used for
1449 mental health purposes;
- 1450 (ii) a private provider under an annual or otherwise ongoing contract to provide
1451 comprehensive mental health programs or services for a local mental health
1452 authority is in compliance with state and local contract requirements and state and
1453 federal law;
- 1454 (iii) state and federal funds appropriated to local substance abuse authorities are used
1455 for substance abuse programs and services; and
- 1456 (iv) a private provider under an annual or otherwise ongoing contract to provide
1457 comprehensive substance abuse programs or services for a local substance abuse
1458 authority is in compliance with state and local contract requirements, and state and

- 1459 federal law.
- 1460 (14)(a) The state auditor may, in accordance with the auditor's responsibilities for
1461 political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting
1462 Reports from Political Subdivisions, Interlocal Organizations, and Other Local
1463 Entities Act, initiate audits or investigations of any political subdivision that are
1464 necessary to determine honesty and integrity in fiscal affairs, accuracy and reliability
1465 of financial statements, effectiveness, and adequacy of financial controls and
1466 compliance with the law.
- 1467 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the
1468 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor
1469 may initiate an audit or investigation of the public entity subject to the notice to
1470 determine compliance with Section 11-41-103.
- 1471 (15)(a) The state auditor may not audit work that the state auditor performed before
1472 becoming state auditor.
- 1473 (b) If the state auditor has previously been a responsible official in state government
1474 whose work has not yet been audited, the Legislature shall:
- 1475 (i) designate how that work shall be audited; and
1476 (ii) provide additional funding for those audits, if necessary.
- 1477 (16) The state auditor shall:
- 1478 (a) with the assistance, advice, and recommendations of an advisory committee
1479 appointed by the state auditor from among special district boards of trustees, officers,
1480 and employees and special service district boards, officers, and employees:
- 1481 (i) prepare a Uniform Accounting Manual for Special Districts that:
- 1482 (A) prescribes a uniform system of accounting and uniform budgeting and
1483 reporting procedures for special districts under Title 17B, Limited Purpose
1484 Local Government Entities - Special Districts, and special service districts
1485 under Title 17D, Chapter 1, Special Service District Act;
- 1486 (B) conforms with generally accepted accounting principles; and
1487 (C) prescribes reasonable exceptions and modifications for smaller districts to the
1488 uniform system of accounting, budgeting, and reporting;
- 1489 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to
1490 reflect generally accepted accounting principles;
- 1491 (iii) conduct a continuing review and modification of procedures in order to improve
1492 them;

- 1493 (iv) prepare and supply each district with suitable budget and reporting forms; and
1494 (v)(A) prepare instructional materials, conduct training programs, and render other
1495 services considered necessary to assist special districts and special service
1496 districts in implementing the uniform accounting, budgeting, and reporting
1497 procedures; and
1498 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with
1499 Title 63G, Chapter 22, State Training and Certification Requirements; and
1500 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
1501 and experiences of specific special districts and special service districts selected by
1502 the state auditor and make the information available to all districts.
- 1503 (17)(a) The following records in the custody or control of the state auditor are protected
1504 records under Title 63G, Chapter 2, Government Records Access and Management
1505 Act:
- 1506 (i) records that would disclose information relating to allegations of personal
1507 misconduct, gross mismanagement, or illegal activity of a past or present
1508 governmental employee if the information or allegation cannot be corroborated by
1509 the state auditor through other documents or evidence, and the records relating to
1510 the allegation are not relied upon by the state auditor in preparing a final audit
1511 report;
- 1512 (ii) records and audit workpapers to the extent the workpapers would disclose the
1513 identity of an individual who during the course of an audit, communicated the
1514 existence of any waste of public funds, property, or manpower, or a violation or
1515 suspected violation of a law, rule, or regulation adopted under the laws of this
1516 state, a political subdivision of the state, or any recognized entity of the United
1517 States, if the information was disclosed on the condition that the identity of the
1518 individual be protected;
- 1519 (iii) before an audit is completed and the final audit report is released, records or
1520 drafts circulated to an individual who is not an employee or head of a
1521 governmental entity for the individual's response or information;
- 1522 (iv) records that would disclose an outline or part of any audit survey plans or audit
1523 program; and
1524 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 1525 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure
1526 of records or information that relate to a violation of the law by a governmental entity

- 1527 or employee to a government prosecutor or peace officer.
- 1528 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to
1529 the state auditor to classify a document as public, private, controlled, or protected
1530 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 1531 (d)(i) As used in this Subsection (17)(d), "record dispute" means a dispute between
1532 the state auditor and the subject of an audit performed by the state auditor as to
1533 whether the state auditor may release a record, as defined in Section 63G-2-103,
1534 to the public that the state auditor gained access to in the course of the state
1535 auditor's audit but which the subject of the audit claims is not subject to disclosure
1536 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 1537 (ii) The state auditor may submit a record dispute to the State Records Committee,
1538 created in Section 63G-2-501, for a determination of whether the state auditor
1539 may, in conjunction with the state auditor's release of an audit report, release to
1540 the public the record that is the subject of the record dispute.
- 1541 (iii) The state auditor or the subject of the audit may seek judicial review of a State
1542 Records Committee determination under Subsection (17)(d)(ii), as provided in
1543 Section 63G-2-404.
- 1544 (18) If the state auditor conducts an audit of an entity that the state auditor has previously
1545 audited and finds that the entity has not implemented a recommendation made by the
1546 state auditor in a previous audit, the state auditor shall notify the Legislative
1547 Management Committee through the Legislative Management Committee's audit
1548 subcommittee that the entity has not implemented that recommendation.
- 1549 (19) The state auditor shall, with the advice and consent of the Senate, appoint the [~~state
1550 privacy officer~~] state privacy auditor described in Section 67-3-13.
- 1551 (20) Except as provided in Subsection (21), the state auditor shall report, or ensure that
1552 another government entity reports, on the financial, operational, and performance
1553 metrics for the state system of higher education and the state system of public education,
1554 including metrics in relation to students, programs, and schools within those systems.
- 1555 (21)(a) Notwithstanding Subsection (20), the state auditor shall conduct regular audits of:
1556 (i) the scholarship granting organization for the Carson Smith Opportunity
1557 Scholarship Program, created in Section 53E-7-402;
1558 (ii) the State Board of Education for the Carson Smith Scholarship Program, created
1559 in Section 53F-4-302; and
1560 (iii) the scholarship program manager for the Utah Fits All Scholarship Program,

1561 created in Section 53F-6-402, including an analysis of the cost effectiveness of the
1562 program, taking into consideration the amount of the scholarship and the amount
1563 of state and local funds dedicated on a per-student basis within the traditional
1564 public education system.

1565 (b) Nothing in this subsection limits or impairs the authority of the State Board of
1566 Education to administer the programs described in Subsection (21)(a).

1567 (22) The state auditor shall, based on the information posted by the Office of Legislative
1568 Research and General Counsel under Subsection 36-12-12.1(2), for each policy, track
1569 and post the following information on the state auditor's website:

1570 (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);

1571 (b) an indication regarding whether the policy is timely adopted, adopted late, or not
1572 adopted;

1573 (c) an indication regarding whether the policy complies with the requirements
1574 established by law for the policy; and

1575 (d) a link to the policy.

1576 (23)(a) A legislator may request that the state auditor conduct an inquiry to determine
1577 whether a government entity, government official, or government employee has
1578 complied with a legal obligation directly imposed, by statute, on the government
1579 entity, government official, or government employee.

1580 (b) The state auditor may, upon receiving a request under Subsection (23)(a), conduct
1581 the inquiry requested.

1582 (c) If the state auditor conducts the inquiry described in Subsection (23)(b), the state
1583 auditor shall post the results of the inquiry on the state auditor's website.

1584 (d) The state auditor may limit the inquiry described in this Subsection (23) to a simple
1585 determination, without conducting an audit, regarding whether the obligation was
1586 fulfilled.

1587 (24) The state auditor shall:

1588 (a) ensure compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in
1589 accordance with Section 63G-31-401; and

1590 (b) report to the Legislative Management Committee, upon request, regarding the state
1591 auditor's actions under this Subsection (24).

1592 (25) The state auditor shall report compliance with Sections 67-27-107, 67-27-108, and
1593 67-27-109 by:

1594 (a) establishing a process to receive and audit each alleged violation; and

1595 (b) reporting to the Legislative Management Committee, upon request, regarding the
 1596 state auditor's findings and recommendations under this Subsection (25).

1597 Section 26. Section **67-3-13** is amended to read:

1598 **67-3-13 (Effective upon governor's approval). State privacy auditor.**

1599 (1) As used in this section:

1600 [~~(a)~~ "Designated governmental entity" means a governmental entity that is not a state
 1601 agency.]

1602 [~~(b)~~ "Independent entity" means the same as that term is defined in Section 63E-1-102.]

1603 [~~(c)~~ (a) "Governmental entity" means the same as that term is defined in Section
 1604 63G-2-103.

1605 [~~(d)~~ (b) "Personal data" means the same as that term is defined in Section 63A-19-101.

1606 (c) "Privacy practice" means the same as that term is defined in Section 63A-19-101.

1607 (d) "State agency" means the same as that term is defined in Section 63A-19-101.

1608 (e) "State privacy auditor" means the individual appointed as state privacy auditor by the
 1609 state auditor under Section 67-3-1.

1610 [~~(e)(i)~~ "Privacy practice" means the acquisition, use, storage, or disposal of personal
 1611 data.]

1612 [~~(ii)~~ "Privacy practice" includes:]

1613 [~~(A)~~ a technology use related to personal data; and]

1614 [~~(B)~~ policies related to the protection, storage, sharing, and retention of personal
 1615 data.]

1616 [~~(f)(i)~~ "State agency" means the following entities that are under the direct
 1617 supervision and control of the governor or the lieutenant governor:]

1618 [~~(A)~~ a department;]

1619 [~~(B)~~ a commission;]

1620 [~~(C)~~ a board;]

1621 [~~(D)~~ a council;]

1622 [~~(E)~~ an institution;]

1623 [~~(F)~~ an officer;]

1624 [~~(G)~~ a corporation;]

1625 [~~(H)~~ a fund;]

1626 [~~(I)~~ a division;]

1627 [~~(J)~~ an office;]

1628 [~~(K)~~ a committee;]

- 1629 ~~[(L) an authority;]~~
- 1630 ~~[(M) a laboratory;]~~
- 1631 ~~[(N) a library;]~~
- 1632 ~~[(O) a bureau;]~~
- 1633 ~~[(P) a panel;]~~
- 1634 ~~[(Q) another administrative unit of the state; or]~~
- 1635 ~~[(R) an agent of an entity described in Subsections (A) through (Q).]~~
- 1636 ~~[(ii) "State agency" does not include:]~~
- 1637 ~~[(A) the legislative branch;]~~
- 1638 ~~[(B) the judicial branch;]~~
- 1639 ~~[(C) an executive branch agency within the Office of the Attorney General, the~~
- 1640 ~~state auditor, the state treasurer, or the State Board of Education; or]~~
- 1641 ~~[(D) an independent entity.]~~
- 1642 (2) The ~~[state privacy officer]~~ state privacy auditor shall:
- 1643 ~~[(a) when completing the duties of this Subsection (2), focus on the privacy practices of~~
- 1644 ~~designated governmental entities;]~~
- 1645 ~~[(b)]~~ ~~(a)~~ compile information about ~~[government]~~ the privacy practices of ~~[designated]~~
- 1646 governmental entities;
- 1647 ~~[(e)]~~ ~~(b)~~ make public and maintain information about ~~[government]~~ the privacy practices
- 1648 of governmental entities on the state auditor's website;
- 1649 ~~[(d)]~~ ~~(c)~~ provide ~~[designated]~~ governmental entities with ~~[educational and training~~
- 1650 ~~materials developed by the Utah Privacy Commission established in Section~~
- 1651 ~~63C-24-201 that include the information described in Subsection 63C-24-202(1)(b)]~~
- 1652 guidance and training regarding the data privacy auditing standards developed by the
- 1653 state privacy auditor;
- 1654 ~~[(e)]~~ ~~(d)~~ implement a process to analyze and respond to requests from individuals for the [~~state privacy officer to review a designated]~~ state privacy auditor to audit a
- 1655 governmental entity's privacy practice;
- 1656 ~~[(f)]~~ ~~(e)~~ identify annually which ~~[designated]~~ governmental entities' privacy practices
- 1657 pose the greatest risk to individual privacy and prioritize those privacy practices [~~for~~
- 1658 ~~review]~~ to be audited;
- 1659 ~~[(g)]~~ ~~(f)~~ ~~[review-]~~ audit each year, in as timely a manner as possible, the privacy practices
- 1660 that the state privacy ~~[officer]~~ auditor identifies under Subsection ~~[(2)(e) or (2)(f)-]~~
- 1661 (2)(d) or (2)(e) as posing the greatest risk to individuals' privacy;
- 1662

1663 ~~(h)~~ (g) when ~~[reviewing a designated]~~ auditing a governmental entity's privacy practice
 1664 under Subsection ~~[(2)(g),]~~ (2)(f), analyze:

- 1665 (i) details about the technology or the policy and the technology's or the policy's
 1666 application;
- 1667 (ii) information about the type of personal data being used;
- 1668 (iii) information about how the personal data is obtained, stored, shared, secured, and
 1669 disposed;
- 1670 (iv) information about ~~[with which persons the designated]~~ the governmental ~~[entity~~
 1671 ~~shares the information]~~ entity's sharing or selling of personal data;
- 1672 (v) information about whether an individual can or should be able to opt out of the
 1673 retention, selling, and sharing of the individual's personal data;
- 1674 (vi) information about how the ~~[designated]~~ governmental entity de-identifies or
 1675 anonymizes personal data;
- 1676 (vii) a determination about the existence of alternative technology or improved
 1677 practices to protect privacy; and
- 1678 (viii) a finding of whether the ~~[designated]~~ governmental entity's current privacy [
 1679 ~~practice]~~ practices adequately ~~[protects]~~ protect individual privacy; and

1680 ~~(i)~~ (h) after completing ~~[a review]~~ an audit described in Subsections ~~[(2)(g)]~~ (2)(f) and [
 1681 ~~(h)]~~ (g), determine:

- 1682 (i) each ~~[designated]~~ governmental entity's use of personal data, including the [
 1683 ~~designated]~~ governmental entity's privacy practices regarding personal data:
- 1684 (A) acquisition;
- 1685 (B) storage;
- 1686 (C) disposal;
- 1687 (D) protection; and
- 1688 (E) sharing;
- 1689 (ii) the adequacy of the ~~[designated]~~ governmental entity's practices in each of the
 1690 areas described in Subsection ~~[(2)(i)(i),]~~ (2)(h)(i); and
- 1691 (iii) for each of the areas described in Subsection ~~[(2)(i)(i)]~~ (2)(h)(i) that the ~~[state~~
 1692 ~~privacy officer]~~ state privacy auditor determines to require reform, provide
 1693 recommendations for reform to the ~~[designated]~~ governmental entity and the
 1694 legislative body charged with regulating the ~~[designated]~~ governmental entity.

1695 (3)(a) The legislative body charged with regulating a ~~[designated]~~ governmental entity
 1696 that receives a recommendation described in Subsection ~~[(2)(i)(iii)]~~ (2)(h)(iii) shall

- 1697 hold a public hearing on the proposed reforms:
- 1698 (i) with a quorum of the legislative body present; and
- 1699 (ii) within 90 days after the day on which the legislative body receives the
- 1700 recommendation.
- 1701 (b)(i) The legislative body shall provide notice of the hearing described in Subsection
- 1702 (3)(a).
- 1703 (ii) Notice of the public hearing and the recommendations to be discussed shall be
- 1704 posted for the jurisdiction of the ~~[designated]~~ governmental entity, as a class A
- 1705 notice under Section 63G-30-102, for at least 30 days before the day on which the
- 1706 legislative body will hold the public hearing.
- 1707 (iii) Each notice required under Subsection (3)(b)(i) shall:
- 1708 (A) identify the recommendations to be discussed; and
- 1709 (B) state the date, time, and location of the public hearing.
- 1710 (c) During the hearing described in Subsection (3)(a), the legislative body shall:
- 1711 (i) provide the public the opportunity to ask questions and obtain further information
- 1712 about the recommendations; and
- 1713 (ii) provide any interested person an opportunity to address the legislative body with
- 1714 concerns about the recommendations.
- 1715 (d) At the conclusion of the hearing, the legislative body shall determine whether the
- 1716 legislative body shall adopt reforms to address the recommendations and any
- 1717 concerns raised during the public hearing.
- 1718 ~~[(4)(a) Except as provided in Subsection (4)(b), if the chief privacy officer described in~~
- 1719 ~~Section 63A-19-302 is not conducting reviews of the privacy practices of state~~
- 1720 ~~agencies, the state privacy officer may review the privacy practices of a state agency~~
- 1721 ~~in accordance with the processes described in this section.]~~
- 1722 ~~[(b)]~~ (4) Subsection (3) does not apply to[-] :
- 1723 (a) a state agency[-] ;
- 1724 (b) the legislative branch;
- 1725 (c) the judicial branch;
- 1726 (d) an executive branch agency within the Office of the Attorney General, the state
- 1727 auditor, the state treasurer, or the State Board of Education; or
- 1728 (e) an independent entity.
- 1729 (5) The ~~[state privacy officer]~~ state privacy auditor shall:
- 1730 (a) quarterly report, to the Utah Privacy Commission:

- 1731 (i) recommendations for privacy practices for the commission to review; and
 1732 (ii) the information provided in Subsection ~~[(2)(i)]~~ (2)(h); and
 1733 (b) annually, on or before October 1, report to the Judiciary Interim Committee:
 1734 (i) the results of any ~~[reviews]~~ audits described in Subsection ~~[(2)(g);]~~ (2)(f), if any [
 1735 ~~reviews]~~ audits have been completed;
 1736 (ii) reforms, to the extent that the ~~[state privacy officer]~~ state privacy auditor is aware
 1737 of any reforms, that the ~~[designated]~~ governmental entity made in response to any [
 1738 ~~reviews]~~ audits described in Subsection ~~[(2)(g);]~~ (2)(f);
 1739 (iii) the information described in Subsection ~~[(2)(i)]~~ (2)(h); and
 1740 ~~[(iv) reports received from designated governmental entities regarding the sale or~~
 1741 ~~sharing of personal data provided under Subsection 63A-19-401(2)(f)(i); and]~~
 1742 ~~[(v)]~~ (iv) recommendations for legislation based on any results of ~~[a review]~~ an audit
 1743 described in Subsection ~~[(2)(g)]~~ (2)(f).

1744 Section 27. Section **78A-2-233**, which is renumbered from Section 63D-2-104 is renumbered
 1745 and amended to read:

1746 **~~[63D-2-104]~~ 78A-2-233 (Effective upon governor's approval). Posting certain**
 1747 **information on a court website.**

1748 (1) As used in this section:

- 1749 (a) "Court website" means a government website operated by or on behalf of any court
 1750 created in Title 78A, Chapter 1, Judiciary.
 1751 (b) "Government website" means the same as that term is defined in Section 63A-19-101.
 1752 (c) "Personal data" means the same as that term is defined in Section 63A-19-101.

1753 (2) Except as provided in Subsections ~~[(2)-]~~ (3) and ~~[(3)]~~ (4), a court website:

- 1754 (a) may not display ~~[personally identifiable information]~~ personal data; and
 1755 (b) shall contain a conspicuous notice that includes a list of documents routinely posted
 1756 on the court website.

1757 ~~[(2)]~~ (3) This section does not prohibit access to any original document as provided by law.

1758 ~~[(3)]~~ (4) This section does not apply to:

- 1759 (a) the Registry of Judgments created in Section 78B-5-201, if the Registry of
 1760 Judgments complies with Subsection ~~[(3)(b)]~~ (4)(b);
 1761 (b) remote access to a document through a network or system that:
 1762 (i) is secure; and
 1763 (ii) provides restricted access through security standards developed by the court,
 1764 including a registration requirement under which a prospective user must provide

- 1765 the prospective user's:
- 1766 (A) identity;
- 1767 (B) business or residence address; and
- 1768 (C) citizenship status;
- 1769 (c) postings related to legitimate law enforcement purposes;
- 1770 (d) postings of documents filed or recorded more than 100 years prior to the posting;
- 1771 (e) postings of:
- 1772 (i) historical information;
- 1773 (ii) genealogical information;
- 1774 (iii) interpretive information about historic persons and events; or
- 1775 (iv) educational information about historic persons and events; or
- 1776 (f) postings of information instructing a user how to contact a website operator,
- 1777 employee, or other representative of the court.

1778 **Section 28. Repealer.**

1779 This bill repeals:

1780 **Section 63C-24-101, Title.**

1781 **Section 63C-24-102, Definitions.**

1782 **Section 29. Effective Date.**

1783 This bill takes effect:

1784 (1) except as provided in Subsection (2), May 7, 2025; or

1785 (2) if approved by two-thirds of all members elected to each house:

1786 (a) upon approval by the governor;

1787 (b) without the governor's signature, the day following the constitutional time limit of
1788 Utah Constitution, Article VII, Section 8; or

1789 (c) in the case of a veto, the date of veto override.