

Jefferson Moss proposes the following substitute bill:

Data Privacy Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson Moss

Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ modifies requirements for privacy annotations and privacy notices;
- 10 ▶ modifies requirements for government website privacy notices;
- 11 ▶ modifies provisions related to data breach notification requirements;
- 12 ▶ renames and modifies duties of the state privacy auditor;
- 13 ▶ modifies enforcement provisions related to privacy requirements; and
- 14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides a special effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **63A-12-100.5 (Effective upon governor's approval)**, as last amended by Laws of Utah
22 2023, Chapter 173

23 **63A-12-103 (Effective upon governor's approval)**, as last amended by Laws of Utah
24 2021, Chapter 344

25 **63A-12-104 (Effective upon governor's approval)**, as repealed and reenacted by Laws of
26 Utah 2023, Chapter 173

27 **63A-12-108 (Effective upon governor's approval)**, as last amended by Laws of Utah
28 2023, Chapter 173

- 29 **63A-19-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
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-19-501 (Effective 05/01/24)**, as enacted by Laws of Utah 2024, Chapter 417
- 44 **63A-19-601 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
45 Chapter 417
- 46 **63G-2-103 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
47 Chapters 18, 465, 509, and 522
- 48 **63G-2-307 (Effective upon governor's approval)**, as last amended by Laws of Utah 2023,
49 Chapter 173
- 50 **63G-2-601 (Effective upon governor's approval)**, as last amended by Laws of Utah 2023,
51 Chapter 173
- 52 **67-3-1 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
53 Chapters 3, 158
- 54 **67-3-13 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
55 Chapter 417
- 56 ENACTS:
- 57 **63A-19-401.1 (Effective upon governor's approval)**, Utah Code Annotated 1953
- 58 **63A-19-401.2 (Effective upon governor's approval)**, Utah Code Annotated 1953
- 59 **63A-19-401.3 (Effective upon governor's approval)**, Utah Code Annotated 1953
- 60 **63A-19-401.4 (Effective upon governor's approval)**, Utah Code Annotated 1953
- 61 **63A-19-402.5 (Effective upon governor's approval)**, Utah Code Annotated 1953
- 62 **63A-19-602 (Effective upon governor's approval)**, Utah Code Annotated 1953

63 RENUMBERS AND AMENDS:

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

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

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

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

72 REPEALS:

73 **63A-12-115 (Effective 05/01/24)**, as last amended by Laws of Utah 2024, Chapter 417

74 **63C-24-101 [~~(Effective 05/01/24)~~] (Effective upon governor's approval)**, as last amended
75 by Laws of Utah 2024, Chapter 417

76 **63C-24-102 [~~(Effective 05/01/24)~~] (Effective upon governor's approval)**, as last amended
77 by Laws of Utah 2024, Chapter 417

78 **63D-2-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 2004,
79 Chapter 175

80 **63D-2-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2024, Chapter 426

81 **63D-2-103 (Effective upon governor's approval)**, as last amended by Laws of Utah 2008,
82 Chapter 382

83

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

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

86 **63A-12-100.5 (Effective upon governor's approval). Definitions.**

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

89 (2) As used in this chapter:

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

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

93 [(b)(i) "Executive branch agency" means the same as that term is defined in Section
94 63A-16-102.]

95 [(ii) "Executive branch agency" includes a state agency, as defined in Subsection
96 67-1-17(1)(d).]

- 97 ~~[(e)(i) "Personal identifying information" means information about an individual that:]~~
 98 ~~[(A) identifies, or can be used to identify, an individual;]~~
 99 ~~[(B) distinguishes an individual from one or more other individuals; or]~~
 100 ~~[(C) is, or can be, logically associated with other information or data, through~~
 101 ~~technology or otherwise, to identify an individual or distinguish an individual~~
 102 ~~from one or more other individuals.]~~
- 103 ~~[(ii) "Personal identifying information" includes information identified as personal~~
 104 ~~identifying information in accordance with the rules described in Section~~
 105 ~~63A-12-104.]~~
- 106 ~~[(d) "Privacy annotation" means a summary, described in Subsection 63A-12-115(2) and~~
 107 ~~rules made by the executive director under Subsection 63A-12-104(2), that, for each~~
 108 ~~record series that an executive branch agency collects, maintains, or uses:]~~
 109 ~~[(i) discloses whether the record series contains personal identifying information; and]~~
 110 ~~[(ii) if the record series contains personal identifying information, includes the~~
 111 ~~information described in Subsection 63A-12-115(2)(b).]~~
- 112 ~~[(e)]~~ (c) "Record" means:
 113 (i) the same as that term is defined in Section 63G-2-103; or
 114 (ii) a video or audio recording of an interview, or a transcript of the video or audio
 115 recording, that is conducted at a Children's Justice Center established under
 116 Section 67-5b-102, the release of which is governed by Section 77-37-4.
- 117 ~~[(f)]~~ (d) "State archives" means the Division of Archives and Records Service.
- 118 ~~[(g)]~~ (e) "Vulnerable adult" means the same as that term is defined in Section 26B-6-201.
- 119 ~~[(h)]~~ (f) "Vulnerable record" means a record or data relating to:
 120 (i) national security interests;
 121 (ii) the care, custody, or control of a child;
 122 (iii) a fiduciary trust over money;
 123 (iv) health care of a child; or
 124 (v) the following, in relation to a vulnerable adult:
 125 (A) protection, health care, or other care; or
 126 (B) the provision of food, shelter, clothing, assistance with an activity of daily
 127 living, or assistance with financial resource management.

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

129 **63A-12-103 (Effective upon governor's approval). Duties of governmental**
 130 **entities.**

- 131 [The] Each governmental entity shall designate a chief administrative officer [of each
132 governmental entity shall] who shall be responsible to:
- 133 (1) establish and maintain an active, continuing program for the economical and efficient
134 management of the governmental entity's records as provided by this chapter and Title
135 63G, Chapter 2, Government Records Access and Management Act;
- 136 (2) appoint one or more records officers who will be trained to work with the state archives
137 in the care, maintenance, scheduling, disposal, classification, designation, access, and
138 preservation of records;
- 139 (3) ensure that officers and employees of the governmental entity that receive or process
140 records requests receive required training on the procedures and requirements of this
141 chapter and Title 63G, Chapter 2, Government Records Access and Management Act;
- 142 (4) make and maintain adequate and proper documentation of the organization, functions,
143 policies, decisions, procedures, and essential transactions of the governmental entity
144 designed to furnish information to protect the privacy, transparency, legal, and financial
145 rights of persons directly affected by the entity's activities;
- 146 (5) submit to the state archivist proposed schedules of records for final approval by the
147 Records Management Committee created in Section 63A-12-112;
- 148 (6) cooperate with the state archivist in conducting surveys made by the state archivist;
- 149 (7) comply with rules issued by the Department of Government Operations as provided by
150 Section 63A-12-104;
- 151 (8) report to the state archives:
- 152 (a) [-]the designation of each record series that [it] the governmental entity maintains;
153 [(9) report to the state archives]
- 154 (b) the classification of each record series that [is] the governmental entity has classified;
155 and
- 156 (c) the name of the governmental entity's:
157 (i) chief administrative officer; and
158 (ii) records officers;
- 159 (9) ensure that the governmental entity complies with the requirements found in:
160 (a) this part;
161 (b) Title 63G, Chapter 2, Government Records Access and Management Act; and
162 (c) Chapter 19, Part 4, Duties of Governmental Entities; and
- 163 (10) establish and report to the state archives retention schedules for objects that the
164 governmental entity determines are not defined as a record under Section 63G-2-103,

165 but that have historical or evidentiary value.

166 Section 3. Section **63A-12-104** is amended to read:

167 **63A-12-104 (Effective upon governor's approval). Rulemaking authority.**

168 [(1)] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

169 [(a)] (1) the state archivist may~~[-, for an executive branch agency,]~~ make rules establishing
170 procedures for the collection, storage, designation, classification, access, mediation for
171 records access, and management of records under this chapter and Title 63G, Chapter 2,
172 Government Records Access and Management Act; and

173 [(b)] (2) a ~~[department]~~ governmental entity may make rules, policies, or ordinances
174 specifying at which level within the ~~[department]~~ governmental entity the requirements
175 described in this chapter will be undertaken.

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

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

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

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

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

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

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

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

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

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

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

198 **63A-12-108 (Effective upon governor's approval). Inspection and summary of**

199 **record series.**

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

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

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

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

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

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

207 Section 5. Section **63A-16-110**, which is renumbered from Section 63D-2-105 is renumbered
208 and amended to read:

209 **[~~63D-2-105~~] 63A-16-110 (Effective upon governor's approval). Use of authorized**
210 **domain extensions for government websites.**

211 (1) As used in this section[~~:]~~ :

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

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

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

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

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

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

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

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

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

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

224 (b) the email addresses used by the governmental entity and the governmental entity's
225 employees.

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

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

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

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

232 (B) temporary and in use by the governmental entity for a period of less than one

233 year; or
 234 (C) related to an event, program, or informational campaign operated by the
 235 governmental entity in partnership with another person that is not a
 236 governmental entity; or
 237 (b) the governmental entity is a school district or a school that is not an institution of
 238 higher education and the use of an authorized [~~top-level~~] top-level domain is
 239 otherwise prohibited, provided that once the use of an authorized [~~top-level~~] top-level
 240 domain is not otherwise prohibited, the school district or school shall transition to an
 241 authorized [~~top-level~~] top-level domain within 15 months.

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

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

249 **63A-19-101 (Effective upon governor's approval). Definitions.**

250 As used in this chapter:

- 251 (1) "Anonymized data" means information that has been irreversibly modified so that there
 252 is no possibility of using the information, alone or in combination with other
 253 information, to identify an individual.
 254 (2) "At-risk government employee" means the same as that term is defined in Section
 255 63G-2-303.
 256 (3) "Automated decision making" means using personal data to make a decision about an
 257 individual through automated processing, without human review or intervention.
 258 (4) "Biometric data" means the same as that term is defined in Section 13-61-101.
 259 (5) "Chief administrative officer" means the same as that term is defined in Section
 260 63A-12-100.5.
 261 (6) "Chief privacy officer" means the individual appointed under Section 63A-19-302.
 262 [~~(2)~~] (7) "Commission" means the Utah Privacy Commission established in Section [
 263 63C-24-102] 63A-19-203.
 264 (8) "Contract" means an agreement between a governmental entity and a person for goods
 265 or services that involve personal data.
 266 (9)(a) "Contractor" means a person who:

- 267 (i) has entered into a contract with a governmental entity; and
268 (ii) may process personal data under the contract.
- 269 (b) "Contractor" includes a contractor's employees, agents, or subcontractors.
- 270 ~~[(3)]~~ (10) "Cyber Center" means the Utah Cyber Center created in Section 63A-16-1102.
271 ~~[(4)]~~ (11) "Data breach" means the unauthorized access, acquisition, disclosure, loss of
272 access, or destruction of personal data held by a governmental entity, unless the
273 governmental entity concludes, according to standards established by the Cyber Center,
274 that there is a low probability that personal data has been compromised.
- 275 ~~[(5)]~~ (12) ~~["Designated governmental entity" means the same as that term is defined in~~
276 ~~Section 67-3-13.]~~ "De-identified data" means information from which personal data has
277 been removed or obscured so that the information is not readily identifiable to a specific
278 individual, and which may not be re-identified.
- 279 (13) "Genetic data" means the same as that term is defined in Section 13-60-102.
- 280 ~~[(6)]~~ (14) "Governing board" means the Utah Privacy Governing Board established in
281 Section 63A-19-201.
- 282 ~~[(7)]~~ (15) "Governmental entity" means the same as that term is defined in Section
283 63G-2-103.
- 284 (16) "Government website" means a set of related web pages that is operated by or on
285 behalf of a governmental entity and is:
- 286 (a) located under a single domain name or web address; and
287 (b) accessible directly through the Internet or by the use of a software program.
- 288 ~~[(8)]~~ (17)(a) ~~["High-risk"]~~ High-risk processing activities" means a governmental entity's
289 processing of personal data that may ~~[result in a significant compromise to]~~ have a
290 significant impact on an individual's privacy interests, based on factors that include:
- 291 ~~[(a)]~~ (i) the sensitivity of the personal data processed;
292 ~~[(b)]~~ (ii) the amount of personal data being processed;
293 ~~[(c)]~~ (iii) the individual's ability to consent to the processing of personal data; and
294 ~~[(d)]~~ (iv) risks of unauthorized access or use.
- 295 (b) "High-risk processing activities" may include the use of:
- 296 (i) facial recognition technology;
297 (ii) automated decision making;
298 (iii) profiling;
299 (iv) automated license plate readers;
300 (v) genetic data;

- 301 (vi) biometric data; or
302 (vii) geolocation data.
- 303 ~~[(9)]~~ (18) "Independent entity" means the same as that term is defined in Section 63E-1-102.
304 (19) "Individual" means the same as that term is defined in Section 63G-2-103.
- 305 ~~[(10)]~~ (20) "Legal guardian" means:
306 (a) the parent of a minor; or
307 (b) an individual appointed by a court to be the guardian of a minor or incapacitated [
308 ~~person~~ individual and given legal authority to make decisions regarding the person or
309 property of the minor or incapacitated [~~person~~ individual.
- 310 ~~[(11)]~~ (21) "Office" means the Utah Office of Data Privacy created in Section 63A-19-301.
311 ~~[(12)]~~ (22) "Ombudsperson" means the data privacy ombudsperson appointed under Section
312 63A-19-501.
- 313 (23) "Person" means the same as that term is defined in Section 63G-2-103.
- 314 ~~[(13)]~~ (24) "Personal data" means information that is linked or can be reasonably linked to
315 an identified individual or an identifiable individual.
- 316 (25) "Privacy annotation" means a summary of personal data contained in a record series as
317 described in Section 63A-19-401.1.
- 318 (26) "Privacy practice" means a governmental entity's:
319 (a) organizational, technical, administrative, and physical safeguards designed to protect
320 an individual's personal data;
321 (b) policies and procedures related to the acquisition, use, storage, sharing, retention,
322 and disposal of personal data; and
323 (c) practice of providing notice to an individual regarding the individual's privacy rights.
- 324 ~~[(14)]~~ (27) "Process,"~~[-or]~~ "processing," or "processing activity" means any operation or set
325 of operations performed on personal data, including collection, recording, organization,
326 structuring, storage, adaptation, alteration, access, retrieval, consultation, use, disclosure
327 by transmission, transfer, dissemination, alignment, combination, restriction, erasure, or
328 destruction.
- 329 (28) "Profiling" means the processing of personal data to evaluate or predict an individual's:
330 (a) economic situation;
331 (b) health;
332 (c) personal preferences;
333 (d) interests;
334 (e) reliability;

335 (f) behavior;

336 (g) location; or

337 (h) movements.

338 [(15)] (29) "Record" means the same as that term is defined in Section 63G-2-103.

339 [(16)] (30) "Record series" means the same as that term is defined in Section 63G-2-103.

340 [(17)] (31) "Retention schedule" means a governmental entity's schedule for the retention or
341 disposal of records that has been approved by the Records Management Committee
342 pursuant to Section 63A-12-113.

343 [(18)] (32)(a) "Sell" means an exchange of personal data for monetary consideration by a
344 governmental entity to a third party.

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

346 (i) charged by a governmental entity for access to a record pursuant to Section
347 63G-2-203; or

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

349 [(19)] (33)(a) "State agency" means the following entities that are under the direct
350 supervision and control of the governor or the lieutenant governor:

351 (i) a department;

352 (ii) a commission;

353 (iii) a board;

354 (iv) a council;

355 (v) an institution;

356 (vi) an officer;

357 (vii) a corporation;

358 (viii) a fund;

359 (ix) a division;

360 (x) an office;

361 (xi) a committee;

362 (xii) an authority;

363 (xiii) a laboratory;

364 (xiv) a library;

365 (xv) a bureau;

366 (xvi) a panel;

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

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

- 369 (b) "State agency" does not include:
 370 (i) the legislative branch;
 371 (ii) the judicial branch;
 372 (iii) an executive branch agency within the Office of the Attorney General, the state
 373 auditor, the state treasurer, or the State Board of Education; or
 374 (iv) an independent entity.

375 ~~[(20)] (34) ["State privacy officer" means the individual described in Section 67-3-13]~~ "State
 376 privacy auditor" means the same as that term is defined in Section 67-3-13.

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

- 378 (a) is generated from personal data; and
 379 (b) models the statistical properties of the original personal data.

380 (36) "User" means an individual who accesses a government website.

381 (37)(a) "User data" means any information about a user that is automatically collected
 382 by a government website when a user accesses the government website.

383 (b) "User data" includes information that identifies:

- 384 (i) a user as having requested or obtained specific materials or services from a
 385 government website;
 386 (ii) Internet sites visited by a user;
 387 (iii) the contents of a user's data-storage device;
 388 (iv) any identifying code linked to a user of a government website; and
 389 (v) a user's:
 390 (A) IP or Mac address; or
 391 (B) session ID.

392 (38) "Website tracking technology" means any tool used by a government website to:

- 393 (a) monitor a user's behavior; or
 394 (b) collect user data.

395 Section 7. Section **63A-19-102** is amended to read:

396 **63A-19-102 (Effective upon governor's approval). State data privacy policy.**

397 It is the policy of Utah that:

- 398 (1) an individual has a fundamental interest in and inherent expectation of privacy
 399 regarding the individual's personal data that the individual provides to a governmental
 400 entity;
 401 (2) a governmental entity shall [aet] process personal data in a manner [respecting personal
 402 data provided to the governmental entity] that is consistent with the interests and

- 403 expectations described in Subsection (1);
- 404 (3) the state shall encourage innovation to enhance the ability of a governmental entity to:
- 405 (a) protect the privacy of an individual's personal data;
- 406 (b) provide clear notice to an individual regarding the governmental entity's processing
- 407 of the individual's personal data;
- 408 (c) process personal data only for specified, lawful purposes and only process the
- 409 minimum amount of an individual's personal data necessary to achieve those
- 410 purposes;
- 411 (d) implement appropriate consent mechanisms regarding the uses of an individual's
- 412 personal data;
- 413 (e) provide an individual with the ability to access, control, and request corrections to
- 414 the individual's personal data held by a governmental entity;
- 415 (f) maintain appropriate safeguards to protect the confidentiality, integrity, and
- 416 availability of personal data;
- 417 (g) account for compliance with privacy related laws, rules, and regulations that are
- 418 specific to a particular governmental entity, program, or personal data; and
- 419 (h) meet a governmental entity's and an individual's business and service needs;
- 420 (4) the state shall promote training and education programs for employees of governmental
- 421 entities focused on:
- 422 (a) data privacy best practices, obligations, and responsibilities; and
- 423 (b) the overlapping relationship with privacy, records management, and security; and
- 424 (5) the state shall promote consistent terminology in data privacy requirements across
- 425 governmental entities.

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

427 and amended to read:

428 **~~[63C-24-201]~~ 63A-19-203 (Effective upon governor's approval). Utah Privacy**

429 **Commission created.**

- 430 (1) There is created the Utah Privacy Commission.
- 431 (2)(a) The commission shall be composed of 12 members.
- 432 (b) The governor shall appoint:
- 433 (i) one member who, at the time of appointment provides internet technology services
- 434 for a county or a municipality;
- 435 (ii) one member with experience in cybersecurity;
- 436 (iii) one member representing private industry in technology;

- 437 (iv) one member representing law enforcement; and
438 (v) one member with experience in data privacy law.
- 439 (c) The state auditor shall appoint:
- 440 (i) one member with experience in internet technology services;
441 (ii) one member with experience in cybersecurity;
442 (iii) one member representing private industry in technology;
443 (iv) one member with experience in data privacy law; and
444 (v) one member with experience in civil liberties law or policy and with specific
445 experience in identifying the disparate impacts of the use of a technology or a
446 policy on different populations.
- 447 (d) The attorney general shall appoint:
- 448 (i) one member with experience as a prosecutor or appellate attorney and with
449 experience in data privacy or civil liberties law; and
450 (ii) one member representing law enforcement.
- 451 (3)(a) Except as provided in Subsection (3)(b), a member is appointed for a term of four
452 years.
- 453 (b) The initial appointments of members described in Subsections (2)(b)(i) through
454 (b)(iii), (2)(c)(iv) through (c)(v), and (2)(d)(ii) shall be for two-year terms.
- 455 (c) When the term of a current member expires, a member shall be reappointed or a new
456 member shall be appointed in accordance with Subsection (2).
- 457 (4)(a) When a vacancy occurs in the membership for any reason, a replacement shall be
458 appointed in accordance with Subsection (2) for the unexpired term.
- 459 (b) A member whose term has expired may continue to serve until a replacement is
460 appointed.
- 461 (5) The commission shall select officers from the commission's members as the
462 commission finds necessary.
- 463 (6)(a) A majority of the members of the commission is a quorum.
- 464 (b) The action of a majority of a quorum constitutes an action of the commission.
- 465 (7) A member may not receive compensation or benefits for the member's service but may
466 receive per diem and travel expenses incurred as a member of the commission at the
467 rates established by the Division of Finance under:
- 468 (a) Sections 63A-3-106 and 63A-3-107; and
469 (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
470 63A-3-107.

- 471 (8) A member shall refrain from participating in a review of:
- 472 (a) an entity of which the member is an employee; or
- 473 (b) a technology in which the member has a financial interest.
- 474 (9) The state auditor shall provide staff and support to the commission.
- 475 (10) The commission shall meet up to 12 times a year to accomplish the duties described in
- 476 Section ~~[63C-24-202]~~ 63A-19-204.
- 477 Section 9. Section **63A-19-204**, which is renumbered from Section 63C-24-202 is renumbered
- 478 and amended to read:
- 479 **~~[63C-24-202]~~ 63A-19-204 (Effective upon governor's approval). Commission**
- 480 **duties.**
- 481 (1) The commission shall:
- 482 (a) annually develop a data privacy agenda that identifies for the upcoming year:
- 483 (i) governmental entity privacy practices to be reviewed by the commission;
- 484 (ii) educational and training materials that the commission intends to develop;
- 485 (iii) any other items related to data privacy the commission intends to study; and
- 486 (iv) best practices and guiding principles that the commission plans to develop
- 487 related to government privacy practices;
- 488 (b) develop guiding standards and best practices with respect to government privacy
- 489 practices;
- 490 (c) develop educational and training materials that include information about:
- 491 (i) the privacy implications and civil liberties concerns of the privacy practices of
- 492 government entities;
- 493 (ii) best practices for government collection and retention policies regarding personal
- 494 data; and
- 495 (iii) best practices for government personal data security standards;
- 496 (d) review the privacy implications and civil liberties concerns of government privacy
- 497 practices; and
- 498 (e) provide the data privacy agenda to the governing board by May 1 of each year.
- 499 (2) The commission may, in addition to the approved items in the data privacy agenda
- 500 prepared under Subsection (1)(a):
- 501 (a) review specific government privacy practices as referred to the commission by the
- 502 chief privacy officer described in Section 63A-19-302 or the state privacy ~~[officer]~~
- 503 auditor described in Section 67-3-13;
- 504 (b) review a privacy practice not accounted for in the data privacy agenda only upon

505 referral by the chief privacy officer or the state privacy [officer] auditor in accordance
 506 with [~~Subsection 63C-24-202(2)(a)~~] this section;

507 (c) review and provide recommendations regarding consent mechanisms used by
 508 governmental entities to collect personal information;

509 (d) develop and provide recommendations to the Legislature on how to balance
 510 transparency and public access of public records against an individual's reasonable
 511 expectations of privacy and data protection; and

512 (e) develop recommendations for legislation regarding the guiding standards and best
 513 practices the commission has developed in accordance with Subsection (1)(a).

514 (3) At least annually, on or before October 1, the commission shall report to the Judiciary
 515 Interim Committee:

516 (a) the results of any reviews the commission has conducted;

517 (b) the guiding standards and best practices described in Subsection (1)(b); and

518 (c) any recommendations for legislation the commission has developed in accordance
 519 with Subsection (2)(e).

520 (4) At least annually, on or before June 1, the commission shall report to the governing
 521 board regarding:

522 (a) governmental entity privacy practices the commission plans to review in the next
 523 year;

524 (b) any educational and training programs the commission intends to develop in relation
 525 to government data privacy best practices;

526 (c) results of the commission's data privacy practice reviews from the previous year; and

527 (d) recommendations from the commission related to data privacy legislation, standards,
 528 or best practices.

529 (5) The data privacy agenda detailed in Subsection (1)(a) does not add to or expand the
 530 authority of the commission.

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

532 **63A-19-301 (Effective upon governor's approval). Utah Office of Data Privacy.**

533 (1) There is created within the department the Utah Office of Data Privacy.

534 (2) The office shall coordinate with the governing board and the commission to perform the
 535 duties in this section.

536 (3) The office shall:

537 (a) create and maintain a [~~strategie-~~]data privacy [~~plan~~] framework designed to:

538 (i) [~~assist state agencies~~] assist governmental entities to identify and implement

- 539 effective and efficient data privacy practices, tools, and systems that:
- 540 (A) protect the privacy of personal data;
- 541 (B) comply with data privacy laws and regulations specific to the governmental
- 542 entity, program, or data;
- 543 (C) empower individuals to protect and control their personal data; and
- 544 (D) enable information use and sharing among governmental entities, as allowed
- 545 by law; and
- 546 (ii) account for differences in [state agency] a governmental entity's resources,
- 547 capabilities, populations served, data types, and maturity [levels] level regarding
- 548 data privacy practices;
- 549 (b) review statutory provisions related to governmental data privacy and records
- 550 management to:
- 551 (i) identify conflicts and gaps in data privacy law; and
- 552 (ii) standardize language; ~~and~~
- 553 ~~[(iii) consult impacted agencies and the attorney general regarding findings and~~
- 554 ~~proposed amendments;]~~
- 555 (c) work with [state agencies] governmental entities to study, research, and identify:
- 556 (i) additional data privacy [requirements] practices that are feasible for [state agencies]
- 557 governmental entities;
- 558 (ii) potential remedies and accountability mechanisms for non-compliance of a [state
- 559 agency] governmental entity;
- 560 (iii) ways to expand [individual] an individual's control ~~[and rights with respect to-]~~
- 561 over the individual's personal data ~~[held by state agencies; and]~~ processed by a
- 562 governmental entity;
- 563 (iv) resources needed to develop, implement, and improve data privacy programs; and
- 564 (v) best practices regarding:
- 565 (A) automated decision making;
- 566 (B) the creation and use of synthetic, de-identified, or anonymized data; and
- 567 (C) the use of website tracking technology;
- 568 (d) monitor high-risk data processing activities within [state agencies] governmental
- 569 entities;
- 570 ~~[(e) receive information from state agencies regarding the sale, sharing, and processing~~
- 571 ~~personal data;]~~
- 572 ~~[(f)]~~ (e) coordinate with the Cyber Center to develop an incident response plan for data

573 breaches affecting governmental entities;

574 [~~(g) coordinate with the state archivist to incorporate data privacy practices into records~~

575 ~~management;~~]

576 [~~(h) coordinate with the state archivist to incorporate data privacy training into the~~

577 ~~trainings described in Section 63A-12-110; and]~~

578 [(i) (f) coordinate with the state archivist to:

579 (i) incorporate data privacy practices into records management; and

580 (ii) include data privacy content in the trainings described in Section 63A-12-110; and

581 (g) create a data privacy training program for employees of governmental entities as

582 described in Section 63A-19-401.3.

583 [(4) ~~The data privacy training program described in Subsection (3)(i) shall be made~~

584 ~~available to all governmental entities, and shall be designed to provide instruction~~

585 ~~regarding:~~]

586 [(a) ~~data privacy best practices, obligations, and responsibilities; and]~~

587 [(b) ~~the relationship between privacy, records management, and security.~~]

588 [(5)(a) ~~Except as provided in Subsection (5)(b), an employee of a state agency shall~~

589 ~~complete the data privacy training program described in Subsection (3)(i):]~~

590 [~~(i) within 30 days of beginning employment; and]~~

591 [~~(ii) at least once in each calendar year.~~]

592 [(b) ~~An employee of a state agency that does not have access to personal data as part of~~

593 ~~the employee's work duties is not required to complete the data privacy training~~

594 ~~program described in Subsection (3)(i).]~~

595 [(c) ~~Each state agency is responsible for monitoring completion of data privacy training~~

596 ~~by the state agency's employees.]~~

597 [(6) (4) [~~To the extent that resources permit, the~~] The office may[-] :

598 (a) provide expertise and assistance to governmental entities for [high-risk] high-risk data

599 processing activities[-] ;

600 (b) create assessment tools and resources that a governmental entity may use to:

601 (i) review, evaluate, and mature the governmental entity's privacy program, practices,

602 and processing activities; and

603 (ii) evaluate the privacy impact, privacy risk, and privacy compliance of the

604 governmental entity's privacy program, practices, and processing activities;

605 (c) charge a governmental entity a service fee, established in accordance with Section

606 63J-1-504, for providing services that enable a governmental entity to perform the

607 governmental entity's duties under Section 63A-19-401, if the governmental entity
608 requests the office provide those services;

609 (d) bill a state agency, as provided in Section 63J-1-410, for any services the office
610 provides to a state agency;

611 (e) provide funding to assist a governmental entity in complying with:

612 (i) this chapter; and

613 (ii) Title 63G, Chapter 2, Part 3, Classification, and Title 63G, Chapter 2, Part 6,
614 Collection of Information and Accuracy of Records; and

615 (f) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
616 Rulemaking Act, to administer this part.

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

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

619 (A) extension of time to comply with certain requirements of Part 4, Duties of
620 Governmental Entities; or

621 (B) exemption from complying with certain requirements of Part 4, Duties of
622 Governmental Entities; or

623 (ii) allow a governmental entity to establish a data privacy training program for the
624 governmental entity's employees to complete, instead of the data privacy training
625 program established by the office under Section 63A-19-401.3, if the
626 governmental entity's data privacy training program contains the same information
627 contained in the office's data privacy training program.

628 (b) An application for an exemption submitted under Subsection (5)(a)(i) shall:

629 (i) identify the specific duty from which the governmental entity seeks an extension
630 or exemption and the section that imposes that duty;

631 (ii) include a justification for the requested extension or exemption; and

632 (iii) provide a statement explaining why granting the extension or exemption would
633 not be contrary to the public interest.

634 (c) If the office grants an exemption under Subsection (5)(a), the office shall report at
635 the next board meeting:

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

637 (ii) the nature of the exemption.

638 (d) The office shall notify the state privacy auditor of any approved extensions or
639 exemptions.

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

641 **63A-19-401 (Effective upon governor's approval). Duties of governmental**
 642 **entities.**

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

645 (b)(i) If a governmental entity or a contractor~~[-described in Subsection (4)(a)]~~ is
 646 subject to a more restrictive or a more specific provision of law than found in this
 647 part, the governmental entity or contractor shall comply with the more restrictive
 648 or more specific provision of law.

649 (ii) For purposes of Subsection (1)(b)(i), Title 63G, Chapter 2, Government Records
 650 Access and Management Act, is a more specific provision of law and shall control
 651 over the provisions of this part.

652 (c) A governmental entity that is exempt under Section 63G-2-702, 63G-2-703, or
 653 63G-2-704 from complying with the requirements in Title 63G, Chapter 2, Part 6,
 654 Collection of Information and Accuracy of Records, is exempt from complying with
 655 the requirements in ~~[Sections 63A-19-402, 63A-19-403, and 63A-19-404]~~ this chapter.

656 (2) A governmental entity shall:

657 ~~[(a) shall implement and maintain a privacy program before May 1, 2025, that includes~~
 658 ~~the governmental entity's policies, practices, and procedures for the process of~~
 659 ~~personal data;]~~

660 ~~[(b) shall provide notice to an individual or the legal guardian of an individual, if the~~
 661 ~~individual's personal data is affected by a data breach, in accordance with Section~~
 662 ~~63A-19-406;]~~

663 ~~[(c) (a) initiate a data privacy program before July 1, 2025, that includes policies and~~
 664 ~~procedures for protecting personal data;~~

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

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

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

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

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

673 (iii) prepare a strategy for bringing the non-compliant processing activity into
 674 compliance with this part[;] .

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

677 [(A) the types of personal data the designated governmental entity currently shares
678 or sells;]

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

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

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

683 [(A) the types of personal data the state agency currently shares or sells;]

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

685 [(C) the classes of persons and the governmental entities that receive the personal
686 data from the state agency; and]

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

689 [(A) within 30 days after beginning employment; and]

690 [(B) at least once in each calendar year; and]

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

693 [(f)] (3) A governmental entity may not:

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

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

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

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

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

706 [(b) An agreement under Subsection (4)(a) shall require the contractor to comply with
707 the requirements of this chapter with regard to the personal data processed or
708 accessed by the contractor as a part of the contractor's duties under the agreement to

709 the same extent as required of the governmental entity.]

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

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

714 **63A-19-401.1 (Effective upon governor's approval). Privacy annotations.**

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

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

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

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

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

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

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

728 (iii) a citation to the state agency's legal authority for collecting, keeping, or using the
729 personal data; and

730 (iv) any other information required by the rules created by the office under Section
731 63A-19-301.

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

733 **63A-19-401.2 (Effective upon governor's approval). Training requirements.**

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

736 (a) designed to provide instruction regarding:

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

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

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

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

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

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

- 743 (a) within 30 days after an employee of a governmental entity begins employment; and
 744 (b) at least once in each calendar year.

745 (3) A governmental entity is responsible for:

- 746 (a) ensuring that each employee of the governmental entity completes the data privacy
 747 training as required by Subsection (2); and
 748 (b) reporting the governmental entity's compliance with the training requirements as
 749 described in Section 63A-19-401.3.

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

751 **63A-19-401.3 (Effective upon governor's approval). Privacy program report.**

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

- 754 (a) whether the governmental entity has initiated a privacy program;
 755 (b) a description of:
 756 (i) any privacy practices implemented by the governmental entity;
 757 (ii) strategies for improving the governmental entity's privacy program and practices;
 758 and
 759 (iii) the governmental entity's high-risk processing activities;
 760 (c) a list of the types of personal data the governmental entity currently shares, sells, or
 761 purchases;
 762 (d) the legal basis for sharing, selling, or purchasing personal data;
 763 (e) the category of individuals or entities:
 764 (i) with whom the governmental entity shares personal data;
 765 (ii) to whom the governmental entity sells personal data; or
 766 (iii) from whom the governmental entity purchases personal data; and
 767 (f) the governmental entity's level of compliance with the data privacy training
 768 requirements described in Section 63A-19-401.2.

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

- 770 (a) shall be considered a protected record under Section 63G-2-305; and
 771 (b) may be made available at the request of the office.

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

773 **63A-19-401.4 (Effective upon governor's approval). Requirements for**
 774 **contractors.**

775 (1) Except as provided in Subsection (4), a contractor that processes or has access to
 776 personal data as a part of the contractor's duties under a contract with a governmental

777 entity is subject to the requirements of this chapter to the same extent as the
 778 governmental entity for any personal data the contractor processes or has access to under
 779 a contract with the governmental entity.

780 (2) A contract entered into or renewed between a contractor and a governmental entity shall
 781 contain specific language that requires a contractor to comply with the requirements of
 782 this chapter with regard to the personal data processed or accessed by the contractor as a
 783 part of the contractor's duties under a contract to the same extent as required of the
 784 governmental entity.

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

788 (4) All contractors shall complete:

789 (a) the data privacy training program established by the office under Section
 790 63A-19-401.3; or

791 (b) a data privacy training program provided by the contractor that meets or exceeds
 792 industry standards for data privacy training.

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

794 **63A-19-402 (Effective upon governor's approval). Personal data collection --**
 795 **Privacy notice.**

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

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

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

801 [~~(b) the intended purposes and uses of the personal data;]~~

802 [~~(c) the consequences for refusing to provide the personal data;]~~

803 [~~(d) the classes of persons and entities that:~~

804 [~~(i) share the personal data with the governmental entity; or]~~

805 [~~(ii) receive the personal data from the governmental entity on a regular or~~
 806 ~~contractual basis; and]~~

807 [~~(e) the record series in which the personal data is or will be included, if applicable.]~~

808 [(3)] (2) If the personal data collected by a governmental entity:

809 (a) would be classified as a public record under Section 63G-2-301, the privacy notice
 810 shall be limited to a statement indicating that the individual's personal data may be

- 811 available to the public as provided by Section 63G-2-201; and
- 812 (b) would not be classified as a public record under Section 63G-2-301, the privacy
- 813 notice shall describe:
- 814 (i) all intended purposes and uses of the personal data;
- 815 (ii) the consequences for refusing to provide the personal data;
- 816 (iii) the classes of persons and governmental entities:
- 817 (A) with whom the governmental entity shares personal data; or
- 818 (B) to whom the governmental entity sells personal data; and
- 819 (iv) the record series in which the personal data is included.
- 820 (3) The governmental entity shall provide the [~~personal data request~~] privacy notice by:
- 821 (a) posting the [~~personal data request~~] privacy notice in a prominent place where the
- 822 governmental entity collects the personal data;
- 823 (b) including the [~~personal data request~~] privacy notice as part of any document or form
- 824 used by the governmental entity to collect the personal data; or
- 825 (c) [~~conspicuously linking to or displaying a QR code linked to an electronic version of~~
- 826 ~~the personal data request notice as part of any document or form used by the~~
- 827 ~~governmental entity to collect the personal data]~~ including as part of any document or
- 828 form used by the governmental entity to collect personal data, a conspicuous link or
- 829 QR code that links to an electronic version of the privacy notice.
- 830 (4) The [~~personal data request~~] privacy notice required by this section is in addition to, and
- 831 does not supersede, any other notice requirement otherwise applicable to the
- 832 governmental entity.
- 833 (5) The governmental entity shall, upon request, provide the [~~personal data request~~] privacy
- 834 notice to an individual, or the legal guardian of an individual, regarding personal data
- 835 previously furnished by that individual.
- 836 (6) The governmental entity may only use personal data furnished by an individual for the
- 837 purposes identified in the [~~personal data request~~] privacy notice provided to that
- 838 individual.

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

840 **63A-19-402.5 (Effective upon governor's approval). Website privacy notice.**

- 841 (1) A governmental entity's government website shall include notice to a user of:
- 842 (a) the identity of the governmental entity responsible for the government website;
- 843 (b) how to contact the governmental entity that is responsible for the government
- 844 website;

- 845 (c) the method by which a user may:
846 (i) seek access to the user's personal data or user data;
847 (ii) request to correct or amend the user's personal data or user data; and
848 (iii) file a complaint with the data privacy ombudsperson; and
849 (d) how an at-risk employee may request that the at-risk employee's personal
850 information be classified as a private record under Section 63G-2-302.
- 851 (2) In addition to the website privacy notice requirement described in Subsection (1)(a), a
852 government website that collects user data shall include in the website privacy notice the
853 following information:
854 (a) any website tracking technology that is used to collect user data on the government
855 website;
856 (b) what user data is collected by the government website;
857 (c) all intended purposes and uses of the user data;
858 (d) the classes of persons and governmental entities:
859 (i) with whom the governmental entity shares user data; or
860 (ii) to whom the governmental entity sells user data; and
861 (e) the record series in which the user data is included.
- 862 (3) A notice described in Subsection (1) or (2) shall be provided by prominently posting on
863 the homepage of the government website:
864 (a) the notice; or
865 (b) a link to a separate webpage containing the notice.
- 866 (4) A governmental entity may not collect user data on a government website unless the
867 governmental entity has complied with the requirements in this section.

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

869 **63A-19-405 (Effective upon governor's approval). Data breach notification to**
870 **the Cyber Center and the Office of the Attorney General.**

- 871 (1)(a) A governmental entity that identifies a data breach affecting 500 or more
872 individuals shall notify the Cyber Center and the attorney general of the data breach.
873 (b) In addition to the notification required by Subsection (1)(a), a governmental entity
874 that identifies the unauthorized access, acquisition, disclosure, loss of access, or
875 destruction of data that compromises the security, confidentiality, availability, or
876 integrity of the computer systems used or information maintained by the
877 governmental entity shall notify the Cyber Center.
- 878 (2) The notification under Subsection (1) shall:

- 879 (a) be made without unreasonable delay, but no later than five days from the discovery
880 of the data breach; and
- 881 (b) include the following information:
- 882 (i) the date and time the data breach occurred;
- 883 (ii) the date the data breach was discovered;
- 884 (iii) a short description of the data breach that occurred;
- 885 (iv) the means by which access was gained to the system, computer, or network;
- 886 (v) the ~~[individual or entity]~~ person who perpetrated the data breach;
- 887 (vi) steps the governmental entity is or has taken to mitigate the impact of the data
888 breach; and
- 889 (vii) any other details requested by the Cyber Center.
- 890 (3) For a data breach under Subsection (1)(a), the governmental entity shall provide the
891 following information to the Cyber Center and the attorney general in addition to the
892 information required under Subsection (2)(b):
- 893 (a) the total number of ~~[people]~~ individuals affected by the data breach, including the
894 total number of Utah residents affected; and
- 895 (b) the type of personal data involved in the data breach.
- 896 (4) If the information required by ~~[Subsection (2)(b)]~~ Subsections (2)(b) and (3) is not
897 available within five days of discovering the breach, the governmental entity shall
898 provide as much of the information required under ~~[Subsection (2)(b)]~~ Subsections (2)(b)
899 and (3) as is available and supplement the notification with additional information as
900 soon as the information becomes available.
- 901 (5)(a) A governmental entity that experiences a data breach affecting fewer than 500
902 individuals shall create an internal incident report containing the information in
903 Subsection (2)(b) as soon as practicable and shall provide additional information as
904 the information becomes available.
- 905 (b) A governmental entity shall provide to the Cyber Center:
- 906 (i) an internal incident report described in Subsection (5)(a) upon request of the
907 Cyber Center; and
- 908 (ii) an annual report logging all of the governmental entity's data breach incidents
909 affecting fewer than 500 individuals.
- 910 Section 19. Section **63A-19-406** is amended to read:
- 911 **63A-19-406 (Effective upon governor's approval). Data breach notice to**
912 **individuals affected by data breach.**

- 913 (1)(a) [A] Except as provided in Subsection (1)(b), a governmental entity shall provide a
914 data breach notice to an individual or legal guardian of an individual affected by the
915 data breach:
- 916 ~~[(a)]~~ (i) after determining the scope of the data breach;
917 ~~[(b)]~~ (ii) after restoring the reasonable integrity of the affected system, if necessary;
918 and
919 ~~[(c)]~~ (iii) without unreasonable delay except as provided in Subsection ~~[(1)(b):]~~ (2).
- 920 (b) A governmental entity is not required to provide a data breach notice to an affected
921 individual as described in Subsection (1)(a) if the:
- 922 (i) personal data involved in the data breach would be classified as a public record
923 under Section 63G-2-301; and
924 (ii) the governmental entity prominently posts notice of the data breach on the
925 homepage of the governmental entity's government website.
- 926 (2) A governmental entity shall delay providing notification under Subsection (1) at the
927 request of a law enforcement agency that determines that notification may impede a
928 criminal investigation, until such time as the law enforcement agency informs the
929 governmental entity that notification will no longer impede the criminal investigation.
- 930 (3) The data breach notice to an affected individual shall include:
- 931 (a) a description of the data breach;
932 (b) the individual's personal data that was accessed or may have been accessed;
933 (c) steps the governmental entity is taking or has taken to mitigate the impact of the data
934 breach;
935 (d) recommendations to the individual on how to protect themselves from identity theft
936 and other financial losses; and
937 (e) any other language required by the Cyber Center.
- 938 (4) Unless the governmental entity reasonably believes that providing notification would
939 pose a threat to the safety of an individual, or unless an individual has designated to the
940 governmental entity a preferred method of communication, a governmental entity shall
941 provide notice by:
- 942 (a)(i) email, if reasonably available and allowed by law; or
943 (ii) mail; and
944 (b) one of the following methods, if the individual's contact information is reasonably
945 available and the method is allowed by law:
946 (i) text message with a summary of the data breach notice and instructions for

947 accessing the full notice; or
 948 (ii) telephone message with a summary of the data breach notice and instructions for
 949 accessing the full data breach notice.

950 (5) A governmental entity shall also provide a data breach notice in a manner that is
 951 reasonably calculated to have the best chance of being received by the affected
 952 individual or the legal guardian of an individual, such as through a press release, posting
 953 on appropriate social media accounts, or publishing notice in a newspaper of general
 954 circulation when:

955 (a) a data breach affects more than 500 individuals; and
 956 (b) a governmental entity is unable to obtain an individual's contact information to
 957 provide notice for any method listed in Subsection (4).

958 Section 20. Section **63A-19-501** is amended to read:

959 **63A-19-501 (Effective 05/01/24). Data privacy ombudsperson.**

960 (1) The governor shall appoint a data privacy ombudsperson with the advice of the
 961 governing board.

962 (2) The ombudsperson shall:

963 (a) be familiar with the provisions of:

964 (i) this chapter;

965 (ii) Chapter 12, Division of Archives and Records Service and Management of
 966 Government Records; and

967 (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and

968 (b) serve as a resource for:

969 (i) [-]an individual who is making or responding to a complaint about a governmental
 970 entity's data privacy practice[-] ; and

971 (ii) a governmental entity which is the subject of a data privacy complaint.

972 (3) The ombudsperson may, upon request by a governmental entity or individual, mediate
 973 data privacy disputes between individuals and governmental entities.

974 (4) After consultation with the chief privacy officer[~~or the state privacy officer~~], the
 975 ombudsperson may raise issues and questions before the governing board regarding
 976 serious and repeated violations of data privacy from:

977 (a) a specific governmental entity; or

978 (b) widespread governmental entity data privacy practices.

979 (5) When a data privacy complaint has been resolved, the ombudsperson shall post on the
 980 office's website a summary of the complaint and the resolution of the matter.

981 Section 21. Section **63A-19-601** is amended to read:

982 **63A-19-601 (Effective upon governor's approval). Enforcement.**

983 (1) Upon instruction by the board, the state auditor shall:

984 (a) investigate alleged violations of this chapter by a governmental entity;

985 (b) provide notice to the relevant governmental entity of an alleged violation of this
986 chapter; and

987 (c) for a violation that the state auditor substantiates, provide an opportunity for the
988 governmental entity to cure the violation within 30 days.

989 (2) If a governmental entity fails to cure a violation as provided in Subsection (1)(c), the
990 state auditor shall report the governmental entity's failure:

991 (a) for a [~~designated~~]governmental entity that is not a state agency, to the attorney
992 general for enforcement under Subsection (3); and

993 (b) for a state agency, to the Legislative Management Committee.

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

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

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

1000 Section 22. Section **63A-19-602** is enacted to read:

1001 **63A-19-602 (Effective upon governor's approval). Disciplinary action.**

1002 A governmental entity may take disciplinary action, which may include suspension or
1003 discharge, against any employee of the governmental entity who intentionally violates any
1004 provision of this chapter.

1005 Section 23. Section **63G-2-103** is amended to read:

1006 **63G-2-103 (Effective upon governor's approval). Definitions.**

1007 As used in this chapter:

1008 (1) "Audit" means:

1009 (a) a systematic examination of financial, management, program, and related records for
1010 the purpose of determining the fair presentation of financial statements, adequacy of
1011 internal controls, or compliance with laws and regulations; or

1012 (b) a systematic examination of program procedures and operations for the purpose of
1013 determining their effectiveness, economy, efficiency, and compliance with statutes
1014 and regulations.

- 1015 (2) "Chief administrative officer" means the same as that term is defined in Section
1016 63A-12-100.5.
- 1017 [(2)] (3) "Chronological logs" mean the regular and customary summary records of law
1018 enforcement agencies and other public safety agencies that show:
1019 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
1020 and
1021 (b) any arrests or jail bookings made by the agency.
- 1022 [(3)] (4) "Classification," "classify," and their derivative forms mean determining whether a
1023 record series, record, or information within a record is public, private, controlled,
1024 protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).
- 1025 [(4)] (5)(a) "Computer program" means:
1026 (i) a series of instructions or statements that permit the functioning of a computer
1027 system in a manner designed to provide storage, retrieval, and manipulation of
1028 data from the computer system; and
1029 (ii) any associated documentation and source material that explain how to operate the
1030 computer program.
- 1031 (b) "Computer program" does not mean:
1032 (i) the original data, including numbers, text, voice, graphics, and images;
1033 (ii) analysis, compilation, and other manipulated forms of the original data produced
1034 by use of the program; or
1035 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
1036 algorithms contained in the program, that would be used if the manipulated forms
1037 of the original data were to be produced manually.
- 1038 [(5)] (6)(a) "Contractor" means:
1039 (i) any person who contracts with a governmental entity to provide goods or services
1040 directly to a governmental entity; or
1041 (ii) any private, nonprofit organization that receives funds from a governmental entity.
1042 (b) "Contractor" does not mean a private provider.
- 1043 [(6)] (7) "Controlled record" means a record containing data on individuals that is controlled
1044 as provided by Section 63G-2-304.
- 1045 [(7)] (8) "Designation," "designate," and their derivative forms mean indicating, based on a
1046 governmental entity's familiarity with a record series or based on a governmental entity's
1047 review of a reasonable sample of a record series, the primary classification that a
1048 majority of records in a record series would be given if classified and the classification

1049 that other records typically present in the record series would be given if classified.

1050 [~~(8)~~] (9) "Elected official" means each person elected to a state office, county office,
1051 municipal office, school board or school district office, special district office, or special
1052 service district office, but does not include judges.

1053 [~~(9)~~] (10) "Explosive" means a chemical compound, device, or mixture:

1054 (a) commonly used or intended for the purpose of producing an explosion; and

1055 (b) that contains oxidizing or combustive units or other ingredients in proportions,
1056 quantities, or packing so that:

1057 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
1058 compound or mixture may cause a sudden generation of highly heated gases; and

1059 (ii) the resultant gaseous pressures are capable of:

1060 (A) producing destructive effects on contiguous objects; or

1061 (B) causing death or serious bodily injury.

1062 [~~(10)~~] (11) "Government audit agency" means any governmental entity that conducts an
1063 audit.

1064 [~~(11)~~] (12)(a) "Governmental entity" means:

1065 (i) executive department agencies of the state, the offices of the governor, lieutenant
1066 governor, state auditor, attorney general, and state treasurer, the Board of Pardons
1067 and Parole, the Board of Examiners, the National Guard, the Career Service
1068 Review Office, the State Board of Education, the Utah Board of Higher
1069 Education, and the State Archives;

1070 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
1071 Analyst, Office of Legislative Research and General Counsel, the Legislature, and
1072 legislative committees, except any political party, group, caucus, or rules or sifting
1073 committee of the Legislature;

1074 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
1075 administrative units in the judicial branch;

1076 (iv) any state-funded institution of higher education or public education; or

1077 (v) any political subdivision of the state, but, if a political subdivision has adopted an
1078 ordinance or a policy relating to information practices pursuant to Section
1079 63G-2-701, this chapter shall apply to the political subdivision to the extent
1080 specified in Section 63G-2-701 or as specified in any other section of this chapter
1081 that specifically refers to political subdivisions.

1082 (b) "Governmental entity" also means:

- 1083 (i) every office, agency, board, bureau, committee, department, advisory board, or
 1084 commission of an entity listed in Subsection [~~(11)~~(a)] (12)(a) that is funded or
 1085 established by the government to carry out the public's business;
- 1086 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
 1087 undertaking, except for the Water District Water Development Council created
 1088 pursuant to Section 11-13-228;
- 1089 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;
- 1090 (iv) an association as defined in Section 53G-7-1101;
- 1091 (v) the Utah Independent Redistricting Commission; and
- 1092 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or
 1093 more law enforcement officers, as defined in Section 53-13-103.
- 1094 (c) "Governmental entity" does not include the Utah Educational Savings Plan created in
 1095 Section 53B-8a-103.
- 1096 [~~(12)~~] (13) "Gross compensation" means every form of remuneration payable for a given
 1097 period to an individual for services provided including salaries, commissions, vacation
 1098 pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind,
 1099 and any similar benefit received from the individual's employer.
- 1100 [~~(13)~~] (14) "Individual" means a human being.
- 1101 [~~(14)~~] (15)(a) "Initial contact report" means an initial written or recorded report, however
 1102 titled, prepared by peace officers engaged in public patrol or response duties
 1103 describing official actions initially taken in response to either a public complaint
 1104 about or the discovery of an apparent violation of law, which report may describe:
- 1105 (i) the date, time, location, and nature of the complaint, the incident, or offense;
- 1106 (ii) names of victims;
- 1107 (iii) the nature or general scope of the agency's initial actions taken in response to the
 1108 incident;
- 1109 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
- 1110 (v) the name, address, and other identifying information about any person arrested or
 1111 charged in connection with the incident; or
- 1112 (vi) the identity of the public safety personnel, except undercover personnel, or
 1113 prosecuting attorney involved in responding to the initial incident.
- 1114 (b) Initial contact reports do not include follow-up or investigative reports prepared after
 1115 the initial contact report. However, if the information specified in Subsection [
 1116 ~~(14)~~(a)] (15)(a) appears in follow-up or investigative reports, it may only be treated

1117 confidentially if it is private, controlled, protected, or exempt from disclosure under
1118 Subsection 63G-2-201(3)(b).

1119 (c) Initial contact reports do not include accident reports, as that term is described in
1120 Title 41, Chapter 6a, Part 4, Accident Responsibilities.

1121 ~~[(15)]~~ (16) "Legislative body" means the Legislature.

1122 ~~[(16)]~~ (17) "Notice of compliance" means a statement confirming that a governmental entity
1123 has complied with an order of the State Records Committee.

1124 ~~[(17)]~~ (18) "Person" means:

1125 (a) an individual;

1126 (b) a nonprofit or profit corporation;

1127 (c) a partnership;

1128 (d) a sole proprietorship;

1129 (e) other type of business organization; or

1130 (f) any combination acting in concert with one another.

1131 ~~[(18) "Personal identifying information" means the same as that term is defined in Section
1132 63A-12-100.5.]~~

1133 ~~[(19) "Privacy annotation" means the same as that term is defined in Section 63A-12-100.5.]~~

1134 ~~[(20)]~~ (19) "Private provider" means any person who contracts with a governmental entity to
1135 provide services directly to the public.

1136 ~~[(21)]~~ (20) "Private record" means a record containing data on individuals that is private as
1137 provided by Section 63G-2-302.

1138 ~~[(22)]~~ (21) "Protected record" means a record that is classified protected as provided by
1139 Section 63G-2-305.

1140 ~~[(23)]~~ (22) "Public record" means a record that is not private, controlled, or protected and
1141 that is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).

1142 ~~[(24)]~~ (23) "Reasonable search" means a search that is:

1143 (a) reasonable in scope and intensity; and

1144 (b) not unreasonably burdensome for the government entity.

1145 ~~[(25)]~~ (24)(a) "Record" means a book, letter, document, paper, map, plan, photograph,
1146 film, card, tape, recording, electronic data, or other documentary material regardless
1147 of physical form or characteristics:

1148 (i) that is prepared, owned, received, or retained by a governmental entity or political
1149 subdivision; and

1150 (ii) where all of the information in the original is reproducible by photocopy or other

- 1151 mechanical or electronic means.
- 1152 (b) "Record" does not include:
- 1153 (i) a personal note or personal communication prepared or received by an employee
- 1154 or officer of a governmental entity:
- 1155 (A) in a capacity other than the employee's or officer's governmental capacity; or
- 1156 (B) that is unrelated to the conduct of the public's business;
- 1157 (ii) a temporary draft or similar material prepared for the originator's personal use or
- 1158 prepared by the originator for the personal use of an individual for whom the
- 1159 originator is working;
- 1160 (iii) material that is legally owned by an individual in the individual's private capacity;
- 1161 (iv) material to which access is limited by the laws of copyright or patent unless the
- 1162 copyright or patent is owned by a governmental entity or political subdivision;
- 1163 (v) proprietary software;
- 1164 (vi) junk mail or a commercial publication received by a governmental entity or an
- 1165 official or employee of a governmental entity;
- 1166 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
- 1167 of a library open to the public;
- 1168 (viii) material that is cataloged, indexed, or inventoried and contained in the
- 1169 collections of a library open to the public, regardless of physical form or
- 1170 characteristics of the material;
- 1171 (ix) a daily calendar ;
- 1172 (x) a note prepared by the originator for the originator's own use or for the sole use of
- 1173 an individual for whom the originator is working;
- 1174 (xi) a computer program that is developed or purchased by or for any governmental
- 1175 entity for its own use;
- 1176 (xii) a note or internal memorandum prepared as part of the deliberative process by:
- 1177 (A) a member of the judiciary;
- 1178 (B) an administrative law judge;
- 1179 (C) a member of the Board of Pardons and Parole; or
- 1180 (D) a member of any other body, other than an association or appeals panel as
- 1181 defined in Section 53G-7-1101, charged by law with performing a
- 1182 quasi-judicial function;
- 1183 (xiii) a telephone number or similar code used to access a mobile communication
- 1184 device that is used by an employee or officer of a governmental entity, provided

- 1185 that the employee or officer of the governmental entity has designated at least one
 1186 business telephone number that is a public record as provided in Section
 1187 63G-2-301;
- 1188 (xiv) information provided by the Public Employees' Benefit and Insurance Program,
 1189 created in Section 49-20-103, to a county to enable the county to calculate the
 1190 amount to be paid to a health care provider under Subsection 17-50-319(2)(e)(ii);
- 1191 (xv) information that an owner of unimproved property provides to a local entity as
 1192 provided in Section 11-42-205;
- 1193 (xvi) a video or audio recording of an interview, or a transcript of the video or audio
 1194 recording, that is conducted at a Children's Justice Center established under
 1195 Section 67-5b-102;
- 1196 (xvii) child sexual abuse material, as defined by Section 76-5b-103;
- 1197 (xviii) before final disposition of an ethics complaint occurs, a video or audio
 1198 recording of the closed portion of a meeting or hearing of:
- 1199 (A) a Senate or House Ethics Committee;
- 1200 (B) the Independent Legislative Ethics Commission;
- 1201 (C) the Independent Executive Branch Ethics Commission, created in Section
 1202 63A-14-202; or
- 1203 (D) the Political Subdivisions Ethics Review Commission established in Section
 1204 63A-15-201;
- 1205 (xix) confidential communication described in Section 58-60-102, 58-61-102, or
 1206 58-61-702;
- 1207 (xx) any item described in Subsection [~~(25)(a)~~] (24)(a) that is:
- 1208 (A) described in Subsection 63G-2-305(17), (18), or (23)(b); and
- 1209 (B) shared between any of the following entities:
- 1210 (I) the Division of Risk Management;
- 1211 (II) the Office of the Attorney General;
- 1212 (III) the governor's office; or
- 1213 (IV) the Legislature; or
- 1214 (xxi) the email address that a candidate for elective office provides to a filing officer
 1215 under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv).
- 1216 [~~(26)~~] (25) "Record series" means a group of records that may be treated as a unit for
 1217 purposes of designation, description, management, or disposition.
- 1218 [~~(27)~~] (26) "Records officer" means the individual appointed by the chief administrative

1219 officer of each governmental entity, or the political subdivision to work with state
 1220 archives in the care, maintenance, scheduling, designation, classification, disposal, and
 1221 preservation of records.

1222 [~~(28)~~] (27) "Schedule," "scheduling," and their derivative forms mean the process of
 1223 specifying the length of time each record series should be retained by a governmental
 1224 entity for administrative, legal, fiscal, or historical purposes and when each record series
 1225 should be transferred to the state archives or destroyed.

1226 [~~(29)~~] (28) "Sponsored research" means research, training, and other sponsored activities as
 1227 defined by the federal Executive Office of the President, Office of Management and
 1228 Budget:

1229 (a) conducted:

1230 (i) by an institution within the state system of higher education defined in Section
 1231 53B-1-102; and

1232 (ii) through an office responsible for sponsored projects or programs; and

1233 (b) funded or otherwise supported by an external:

1234 (i) person that is not created or controlled by the institution within the state system of
 1235 higher education; or

1236 (ii) federal, state, or local governmental entity.

1237 [~~(30)~~] (29) "State archives" means the Division of Archives and Records Service created in
 1238 Section 63A-12-101.

1239 [~~(31)~~] (30) "State archivist" means the director of the state archives.

1240 [~~(32)~~] (31) "State Records Committee" means the State Records Committee created in
 1241 Section 63G-2-501.

1242 [~~(33)~~] (32) "Summary data" means statistical records and compilations that contain data
 1243 derived from private, controlled, or protected information but that do not disclose
 1244 private, controlled, or protected information.

1245 Section 24. Section **63G-2-307** is amended to read:

1246 **63G-2-307 (Effective upon governor's approval). Duty to evaluate records and**
 1247 **make designations, classifications, and annotations.**

1248 (1) A governmental entity shall, for each record series that the governmental entity keeps,
 1249 uses, or creates:

1250 (a) evaluate all record series;

1251 (b) designate each record series as provided by this chapter and Title 63A, Chapter 12,

1252 Division of Archives and Records Service and Management of Government Records;

1253 and
 1254 (c) report to the state archives[~~;~~] the designation described in Subsection (1)(b).
 1255 [~~(i) the designation described in Subsection (1)(b); and~~]
 1256 [~~(ii) if the governmental entity is an executive branch agency, as defined in Section~~
 1257 ~~63A-12-100.5, the privacy annotation.]~~

1258 (2) A governmental entity may classify a particular record, record series, or information
 1259 within a record at any time, but is not required to classify a particular record, record
 1260 series, or information until access to the record is requested.

1261 (3) A governmental entity may redesignate a record series or reclassify a record or record
 1262 series, or information within a record at any time.

1263 Section 25. Section **63G-2-601** is amended to read:

1264 **63G-2-601 (Effective upon governor's approval). Rights of individuals on whom**
 1265 **data is maintained -- Classification statement filed with state archivist -- Notice to**
 1266 **provider of information.**

1267 (1)(a) Each governmental entity shall file with the state archivist a statement explaining,
 1268 for each record series collected, maintained, or used by the governmental entity, the
 1269 purposes for which each private or controlled record in the record series is collected,
 1270 maintained, or used by that governmental entity.

1271 [~~(b) Each executive branch agency, as defined in Section 63A-12-100.5, shall file with~~
 1272 ~~the state archivist a statement explaining, for each record series collected, maintained,~~
 1273 ~~or used by the executive branch agency, the purposes for which the personal~~
 1274 ~~identifying information in the record series is collected, maintained, or used by the~~
 1275 ~~executive branch agency.]~~

1276 [~~(e)~~] (b) The statement filed under Subsection (1)(a)[~~or (b)~~]:

1277 (i) shall[~~, for each purpose described in Subsection (1)(a) or (b),~~] identify the
 1278 authority under which the governmental entity [~~or executive branch agency~~]
 1279 collects the records or information included in the statement described in
 1280 Subsection (1)(a)[~~or (b)~~]; and

1281 (ii) is a public record.

1282 (2)(a) A governmental entity shall provide the notice described in this Subsection (2) to
 1283 a person that is asked to furnish information that could be classified as a private or
 1284 controlled record.

1285 [~~(b) An executive branch agency, as defined in Section 63A-12-100.5, shall provide the~~
 1286 ~~notice described in this Subsection (2) to a person that is asked to furnish personal~~

- 1287 identifying information.]
- 1288 [(e)] (b) The notice required under Subsection (2)(a)[~~or (b)~~] shall:
- 1289 (i) identify the record series that includes the information described in Subsection
- 1290 (2)(a)[~~or (b)~~];
- 1291 (ii) state the reasons the person is asked to furnish the information;
- 1292 (iii) state the intended uses of the information;
- 1293 (iv) state the consequences for refusing to provide the information; and
- 1294 (v) disclose the classes of persons and the governmental entities that currently:
- 1295 (A) share the information with the governmental entity; or
- 1296 (B) receive the information from the governmental entity on a regular or
- 1297 contractual basis.
- 1298 [(d)] (c) The governmental entity shall:
- 1299 (i) post the notice required under this Subsection (2) in a prominent place at all
- 1300 locations where the governmental entity collects the information; or
- 1301 (ii) include the notice required under this Subsection (2) as part of the documents or
- 1302 forms that are used by the governmental entity to collect the information.
- 1303 (3) Upon request, each governmental entity shall, in relation to the information described in
- 1304 Subsection (2)(a)[~~or (b)~~], as applicable, explain to a person:
- 1305 (a) the reasons the person is asked to furnish information;
- 1306 (b) the intended uses of the information;
- 1307 (c) the consequences for refusing to provide the information; and
- 1308 (d) the reasons and circumstances under which the information may be shared with, or
- 1309 provided to, other persons or governmental entities.
- 1310 (4) A governmental entity may use the information that the governmental entity is required
- 1311 to disclose under Subsection (2)(a)[~~or (b)~~] only for those purposes:
- 1312 (a) given in the statement filed with the state archivist under Subsection (1); or
- 1313 (b) for which another governmental entity may use the record under Section 63G-2-206.
- 1314 Section 26. Section **67-3-1** is amended to read:
- 1315 **67-3-1 (Effective upon governor's approval). Functions and duties.**
- 1316 (1)(a) The state auditor is the auditor of public accounts and is independent of any
- 1317 executive or administrative officers of the state.
- 1318 (b) The state auditor is not limited in the selection of personnel or in the determination
- 1319 of the reasonable and necessary expenses of the state auditor's office.
- 1320 (2) The state auditor shall examine and certify annually in respect to each fiscal year,

- 1321 financial statements showing:
- 1322 (a) the condition of the state's finances;
- 1323 (b) the revenues received or accrued;
- 1324 (c) expenditures paid or accrued;
- 1325 (d) the amount of unexpended or unencumbered balances of the appropriations to the
- 1326 agencies, departments, divisions, commissions, and institutions; and
- 1327 (e) the cash balances of the funds in the custody of the state treasurer.
- 1328 (3)(a) The state auditor shall:
- 1329 (i) audit each permanent fund, each special fund, the General Fund, and the accounts
- 1330 of any department of state government or any independent agency or public
- 1331 corporation as the law requires, as the auditor determines is necessary, or upon
- 1332 request of the governor or the Legislature;
- 1333 (ii) perform the audits in accordance with generally accepted auditing standards and
- 1334 other auditing procedures as promulgated by recognized authoritative bodies; and
- 1335 (iii) as the auditor determines is necessary, conduct the audits to determine:
- 1336 (A) honesty and integrity in fiscal affairs;
- 1337 (B) accuracy and reliability of financial statements;
- 1338 (C) effectiveness and adequacy of financial controls; and
- 1339 (D) compliance with the law.
- 1340 (b) If any state entity receives federal funding, the state auditor shall ensure that the
- 1341 audit is performed in accordance with federal audit requirements.
- 1342 (c)(i) The costs of the federal compliance portion of the audit may be paid from an
- 1343 appropriation to the state auditor from the General Fund.
- 1344 (ii) If an appropriation is not provided, or if the federal government does not
- 1345 specifically provide for payment of audit costs, the costs of the federal compliance
- 1346 portions of the audit shall be allocated on the basis of the percentage that each
- 1347 state entity's federal funding bears to the total federal funds received by the state.
- 1348 (iii) The allocation shall be adjusted to reflect any reduced audit time required to
- 1349 audit funds passed through the state to local governments and to reflect any
- 1350 reduction in audit time obtained through the use of internal auditors working
- 1351 under the direction of the state auditor.
- 1352 (4)(a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
- 1353 financial audits, and as the auditor determines is necessary, conduct performance and
- 1354 special purpose audits, examinations, and reviews of any entity that receives public

- 1355 funds, including a determination of any or all of the following:
- 1356 (i) the honesty and integrity of all the entity's fiscal affairs;
- 1357 (ii) whether the entity's administrators have faithfully complied with legislative intent;
- 1358 (iii) whether the entity's operations have been conducted in an efficient, effective, and
- 1359 cost-efficient manner;
- 1360 (iv) whether the entity's programs have been effective in accomplishing the intended
- 1361 objectives; and
- 1362 (v) whether the entity's management, control, and information systems are adequate,
- 1363 effective, and secure.
- 1364 (b) The auditor may not conduct performance and special purpose audits, examinations,
- 1365 and reviews of any entity that receives public funds if the entity:
- 1366 (i) has an elected auditor; and
- 1367 (ii) has, within the entity's last budget year, had the entity's financial statements or
- 1368 performance formally reviewed by another outside auditor.
- 1369 (5) The state auditor:
- 1370 (a) shall administer any oath or affirmation necessary to the performance of the duties of
- 1371 the auditor's office; and
- 1372 (b) may:
- 1373 (i) subpoena witnesses and documents, whether electronic or otherwise; and
- 1374 (ii) examine into any matter that the auditor considers necessary.
- 1375 (6) The state auditor may require all persons who have had the disposition or management
- 1376 of any property of this state or its political subdivisions to submit statements regarding
- 1377 the property at the time and in the form that the auditor requires.
- 1378 (7) The state auditor shall:
- 1379 (a) except where otherwise provided by law, institute suits in Salt Lake County in
- 1380 relation to the assessment, collection, and payment of revenues against:
- 1381 (i) persons who by any means have become entrusted with public money or property
- 1382 and have failed to pay over or deliver the money or property; and
- 1383 (ii) all debtors of the state;
- 1384 (b) collect and pay into the state treasury all fees received by the state auditor;
- 1385 (c) perform the duties of a member of all boards of which the state auditor is a member
- 1386 by the constitution or laws of the state, and any other duties that are prescribed by the
- 1387 constitution and by law;
- 1388 (d) stop the payment of the salary of any state official or state employee who:

- 1389 (i) refuses to settle accounts or provide required statements about the custody and
1390 disposition of public funds or other state property;
- 1391 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
1392 board or department head with respect to the manner of keeping prescribed
1393 accounts or funds; or
- 1394 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
1395 official's or employee's attention;
- 1396 (e) establish accounting systems, methods, and forms for public accounts in all taxing or
1397 fee-assessing units of the state in the interest of uniformity, efficiency, and economy;
- 1398 (f) superintend the contractual auditing of all state accounts;
- 1399 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
1400 property taxes from a state or local taxing or fee-assessing unit, if necessary, to
1401 ensure that officials and employees in those taxing units comply with state laws and
1402 procedures in the budgeting, expenditures, and financial reporting of public funds;
- 1403 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
1404 if necessary, to ensure that officials and employees in the county comply with
1405 Section 59-2-303.1; and
- 1406 (i) withhold state allocated funds or the disbursement of property taxes from a local
1407 government entity or a limited purpose entity, as those terms are defined in Section
1408 67-1a-15 if the state auditor finds the withholding necessary to ensure that the entity
1409 registers and maintains the entity's registration with the lieutenant governor, in
1410 accordance with Section 67-1a-15.
- 1411 (8)(a) Except as otherwise provided by law, the state auditor may not withhold funds
1412 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received
1413 formal written notice of noncompliance from the auditor and has been given 60 days
1414 to make the specified corrections.
- 1415 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
1416 fee-assessing unit that exclusively assesses fees has not made corrections to comply
1417 with state laws and procedures in the budgeting, expenditures, and financial reporting
1418 of public funds, the state auditor:
- 1419 (i) shall provide a recommended timeline for corrective actions;
- 1420 (ii) may prohibit the state or local fee-assessing unit from accessing money held by
1421 the state; and
- 1422 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an

- 1423 account of a financial institution by filing an action in a court with jurisdiction
1424 under Title 78A, Judiciary and Judicial Administration, requesting an order of the
1425 court to prohibit a financial institution from providing the fee-assessing unit
1426 access to an account.
- 1427 (c) The state auditor shall remove a limitation on accessing funds under Subsection
1428 (8)(b) upon compliance with state laws and procedures in the budgeting,
1429 expenditures, and financial reporting of public funds.
- 1430 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
1431 state law, the state auditor:
- 1432 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
1433 comply;
- 1434 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
1435 state; and
- 1436 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
1437 account of a financial institution by:
- 1438 (A) contacting the taxing or fee-assessing unit's financial institution and
1439 requesting that the institution prohibit access to the account; or
- 1440 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
1441 Judicial Administration, requesting an order of the court to prohibit a financial
1442 institution from providing the taxing or fee-assessing unit access to an account.
- 1443 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state law,
1444 the state auditor shall eliminate a limitation on accessing funds described in
1445 Subsection (8)(d).
- 1446 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
1447 received formal written notice of noncompliance from the auditor and has been given 60
1448 days to make the specified corrections.
- 1449 (10)(a) The state auditor may not withhold funds under Subsection (7)(i) until the state
1450 auditor receives a notice of non-registration, as that term is defined in Section
1451 67-1a-15.
- 1452 (b) If the state auditor receives a notice of non-registration, the state auditor may
1453 prohibit the local government entity or limited purpose entity, as those terms are
1454 defined in Section 67-1a-15, from accessing:
- 1455 (i) money held by the state; and
- 1456 (ii) money held in an account of a financial institution by:

- 1457 (A) contacting the entity's financial institution and requesting that the institution
1458 prohibit access to the account; or
- 1459 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
1460 Judicial Administration, requesting an order of the court to prohibit a financial
1461 institution from providing the entity access to an account.
- 1462 (c) The state auditor shall remove the prohibition on accessing funds described in
1463 Subsection (10)(b) if the state auditor received a notice of registration, as that term is
1464 defined in Section 67-1a-15, from the lieutenant governor.
- 1465 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the state
1466 auditor:
- 1467 (a) shall authorize a disbursement by a local government entity or limited purpose entity,
1468 as those terms are defined in Section 67-1a-15, or a state or local taxing or
1469 fee-assessing unit if the disbursement is necessary to:
- 1470 (i) avoid a major disruption in the operations of the local government entity, limited
1471 purpose entity, or state or local taxing or fee-assessing unit; or
- 1472 (ii) meet debt service obligations; and
- 1473 (b) may authorize a disbursement by a local government entity, limited purpose entity,
1474 or state or local taxing or fee-assessing unit as the state auditor determines is
1475 appropriate.
- 1476 (12)(a) The state auditor may seek relief under the Utah Rules of Civil Procedure to take
1477 temporary custody of public funds if an action is necessary to protect public funds
1478 from being improperly diverted from their intended public purpose.
- 1479 (b) If the state auditor seeks relief under Subsection (12)(a):
- 1480 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);
1481 and
- 1482 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if
1483 a court orders the public funds to be protected from improper diversion from their
1484 public purpose.
- 1485 (13) The state auditor shall:
- 1486 (a) establish audit guidelines and procedures for audits of local mental health and
1487 substance abuse authorities and their contract providers, conducted pursuant to Title
1488 17, Chapter 43, Part 2, Local Substance Abuse Authorities, Title 17, Chapter 43, Part
1489 3, Local Mental Health Authorities, Title 26B, Chapter 5, Health Care - Substance
1490 Use and Mental Health, and Title 51, Chapter 2a, Accounting Reports from Political

- 1491 Subdivisions, Interlocal Organizations, and Other Local Entities Act; and
- 1492 (b) ensure that those guidelines and procedures provide assurances to the state that:
- 1493 (i) state and federal funds appropriated to local mental health authorities are used for
- 1494 mental health purposes;
- 1495 (ii) a private provider under an annual or otherwise ongoing contract to provide
- 1496 comprehensive mental health programs or services for a local mental health
- 1497 authority is in compliance with state and local contract requirements and state and
- 1498 federal law;
- 1499 (iii) state and federal funds appropriated to local substance abuse authorities are used
- 1500 for substance abuse programs and services; and
- 1501 (iv) a private provider under an annual or otherwise ongoing contract to provide
- 1502 comprehensive substance abuse programs or services for a local substance abuse
- 1503 authority is in compliance with state and local contract requirements, and state and
- 1504 federal law.
- 1505 (14)(a) The state auditor may, in accordance with the auditor's responsibilities for
- 1506 political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting
- 1507 Reports from Political Subdivisions, Interlocal Organizations, and Other Local
- 1508 Entities Act, initiate audits or investigations of any political subdivision that are
- 1509 necessary to determine honesty and integrity in fiscal affairs, accuracy and reliability
- 1510 of financial statements, effectiveness, and adequacy of financial controls and
- 1511 compliance with the law.
- 1512 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the
- 1513 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor
- 1514 may initiate an audit or investigation of the public entity subject to the notice to
- 1515 determine compliance with Section 11-41-103.
- 1516 (15)(a) The state auditor may not audit work that the state auditor performed before
- 1517 becoming state auditor.
- 1518 (b) If the state auditor has previously been a responsible official in state government
- 1519 whose work has not yet been audited, the Legislature shall:
- 1520 (i) designate how that work shall be audited; and
- 1521 (ii) provide additional funding for those audits, if necessary.
- 1522 (16) The state auditor shall:
- 1523 (a) with the assistance, advice, and recommendations of an advisory committee
- 1524 appointed by the state auditor from among special district boards of trustees, officers,

- 1525 and employees and special service district boards, officers, and employees:
- 1526 (i) prepare a Uniform Accounting Manual for Special Districts that:
- 1527 (A) prescribes a uniform system of accounting and uniform budgeting and
- 1528 reporting procedures for special districts under Title 17B, Limited Purpose
- 1529 Local Government Entities - Special Districts, and special service districts
- 1530 under Title 17D, Chapter 1, Special Service District Act;
- 1531 (B) conforms with generally accepted accounting principles; and
- 1532 (C) prescribes reasonable exceptions and modifications for smaller districts to the
- 1533 uniform system of accounting, budgeting, and reporting;
- 1534 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to
- 1535 reflect generally accepted accounting principles;
- 1536 (iii) conduct a continuing review and modification of procedures in order to improve
- 1537 them;
- 1538 (iv) prepare and supply each district with suitable budget and reporting forms; and
- 1539 (v)(A) prepare instructional materials, conduct training programs, and render other
- 1540 services considered necessary to assist special districts and special service
- 1541 districts in implementing the uniform accounting, budgeting, and reporting
- 1542 procedures; and
- 1543 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with
- 1544 Title 63G, Chapter 22, State Training and Certification Requirements; and
- 1545 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
- 1546 and experiences of specific special districts and special service districts selected by
- 1547 the state auditor and make the information available to all districts.
- 1548 (17)(a) The following records in the custody or control of the state auditor are protected
- 1549 records under Title 63G, Chapter 2, Government Records Access and Management
- 1550 Act:
- 1551 (i) records that would disclose information relating to allegations of personal
- 1552 misconduct, gross mismanagement, or illegal activity of a past or present
- 1553 governmental employee if the information or allegation cannot be corroborated by
- 1554 the state auditor through other documents or evidence, and the records relating to
- 1555 the allegation are not relied upon by the state auditor in preparing a final audit
- 1556 report;
- 1557 (ii) records and audit workpapers to the extent the workpapers would disclose the
- 1558 identity of an individual who during the course of an audit, communicated the

- 1559 existence of any waste of public funds, property, or manpower, or a violation or
1560 suspected violation of a law, rule, or regulation adopted under the laws of this
1561 state, a political subdivision of the state, or any recognized entity of the United
1562 States, if the information was disclosed on the condition that the identity of the
1563 individual be protected;
- 1564 (iii) before an audit is completed and the final audit report is released, records or
1565 drafts circulated to an individual who is not an employee or head of a
1566 governmental entity for the individual's response or information;
- 1567 (iv) records that would disclose an outline or part of any audit survey plans or audit
1568 program; and
- 1569 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 1570 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure
1571 of records or information that relate to a violation of the law by a governmental entity
1572 or employee to a government prosecutor or peace officer.
- 1573 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to
1574 the state auditor to classify a document as public, private, controlled, or protected
1575 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 1576 (d)(i) As used in this Subsection (17)(d), "record dispute" means a dispute between
1577 the state auditor and the subject of an audit performed by the state auditor as to
1578 whether the state auditor may release a record, as defined in Section 63G-2-103,
1579 to the public that the state auditor gained access to in the course of the state
1580 auditor's audit but which the subject of the audit claims is not subject to disclosure
1581 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 1582 (ii) The state auditor may submit a record dispute to the State Records Committee,
1583 created in Section 63G-2-501, for a determination of whether the state auditor
1584 may, in conjunction with the state auditor's release of an audit report, release to
1585 the public the record that is the subject of the record dispute.
- 1586 (iii) The state auditor or the subject of the audit may seek judicial review of a State
1587 Records Committee determination under Subsection (17)(d)(ii), as provided in
1588 Section 63G-2-404.
- 1589 (18) If the state auditor conducts an audit of an entity that the state auditor has previously
1590 audited and finds that the entity has not implemented a recommendation made by the
1591 state auditor in a previous audit, the state auditor shall notify the Legislative
1592 Management Committee through the Legislative Management Committee's audit

- 1593 subcommittee that the entity has not implemented that recommendation.
- 1594 (19) The state auditor shall, with the advice and consent of the Senate, appoint the [state
1595 ~~privacy officer~~] state privacy auditor described in Section 67-3-13.
- 1596 (20) Except as provided in Subsection (21), the state auditor shall report, or ensure that
1597 another government entity reports, on the financial, operational, and performance
1598 metrics for the state system of higher education and the state system of public education,
1599 including metrics in relation to students, programs, and schools within those systems.
- 1600 (21)(a) Notwithstanding Subsection (20), the state auditor shall conduct regular audits of:
1601 (i) the scholarship granting organization for the Carson Smith Opportunity
1602 Scholarship Program, created in Section 53E-7-402;
1603 (ii) the State Board of Education for the Carson Smith Scholarship Program, created
1604 in Section 53F-4-302; and
1605 (iii) the scholarship program manager for the Utah Fits All Scholarship Program,
1606 created in Section 53F-6-402, including an analysis of the cost effectiveness of the
1607 program, taking into consideration the amount of the scholarship and the amount
1608 of state and local funds dedicated on a per-student basis within the traditional
1609 public education system.
- 1610 (b) Nothing in this subsection limits or impairs the authority of the State Board of
1611 Education to administer the programs described in Subsection (21)(a).
- 1612 (22) The state auditor shall, based on the information posted by the Office of Legislative
1613 Research and General Counsel under Subsection 36-12-12.1(2), for each policy, track
1614 and post the following information on the state auditor's website:
1615 (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);
1616 (b) an indication regarding whether the policy is timely adopted, adopted late, or not
1617 adopted;
1618 (c) an indication regarding whether the policy complies with the requirements
1619 established by law for the policy; and
1620 (d) a link to the policy.
- 1621 (23)(a) A legislator may request that the state auditor conduct an inquiry to determine
1622 whether a government entity, government official, or government employee has
1623 complied with a legal obligation directly imposed, by statute, on the government
1624 entity, government official, or government employee.
- 1625 (b) The state auditor may, upon receiving a request under Subsection (23)(a), conduct
1626 the inquiry requested.

- 1627 (c) If the state auditor conducts the inquiry described in Subsection (23)(b), the state
 1628 auditor shall post the results of the inquiry on the state auditor's website.
- 1629 (d) The state auditor may limit the inquiry described in this Subsection (23) to a simple
 1630 determination, without conducting an audit, regarding whether the obligation was
 1631 fulfilled.
- 1632 (24) The state auditor shall:
- 1633 (a) ensure compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in
 1634 accordance with Section 63G-31-401; and
- 1635 (b) report to the Legislative Management Committee, upon request, regarding the state
 1636 auditor's actions under this Subsection (24).
- 1637 (25) The state auditor shall report compliance with Sections 67-27-107, 67-27-108, and
 1638 67-27-109 by:
- 1639 (a) establishing a process to receive and audit each alleged violation; and
- 1640 (b) reporting to the Legislative Management Committee, upon request, regarding the
 1641 state auditor's findings and recommendations under this Subsection (25).
- 1642 Section 27. Section **67-3-13** is amended to read:
- 1643 **67-3-13 (Effective upon governor's approval). State privacy auditor.**
- 1644 (1) As used in this section:
- 1645 [~~(a) "Designated governmental entity" means a governmental entity that is not a state~~
 1646 ~~agency.]~~
- 1647 [~~(b) "Independent entity" means the same as that term is defined in Section 63E-1-102.]~~
- 1648 [~~(c)~~] (a) "Governmental entity" means the same as that term is defined in Section
 1649 63G-2-103.
- 1650 [~~(d)~~] (b) "Personal data" means the same as that term is defined in Section 63A-19-101.
- 1651 (c) "Privacy practice" means the same as that term is defined in Section 63A-19-101.
- 1652 (d) "State agency" means the same as that term is defined in Section 63A-19-101.
- 1653 (e) "State privacy auditor" means the individual appointed as state privacy auditor by the
 1654 state auditor under Section 67-3-1.
- 1655 [~~(e)(i) "Privacy practice" means the acquisition, use, storage, or disposal of personal~~
 1656 ~~data.]~~
- 1657 [(ii) "Privacy practice" includes:]
- 1658 [~~(A) a technology use related to personal data; and]~~
- 1659 [~~(B) policies related to the protection, storage, sharing, and retention of personal~~
 1660 ~~data.]~~

- 1661 [(f)(i) "State agency" means the following entities that are under the direct
 1662 supervision and control of the governor or the lieutenant governor:]
- 1663 [(A) a department;]
 - 1664 [(B) a commission;]
 - 1665 [(C) a board;]
 - 1666 [(D) a council;]
 - 1667 [(E) an institution;]
 - 1668 [(F) an officer;]
 - 1669 [(G) a corporation;]
 - 1670 [(H) a fund;]
 - 1671 [(I) a division;]
 - 1672 [(J) an office;]
 - 1673 [(K) a committee;]
 - 1674 [(L) an authority;]
 - 1675 [(M) a laboratory;]
 - 1676 [(N) a library;]
 - 1677 [(O) a bureau;]
 - 1678 [(P) a panel;]
 - 1679 [(Q) another administrative unit of the state; or]
 - 1680 [(R) an agent of an entity described in Subsections (A) through (Q).]
- 1681 [(ii) "State agency" does not include:]
- 1682 [(A) the legislative branch;]
 - 1683 [(B) the judicial branch;]
 - 1684 [(C) an executive branch agency within the Office of the Attorney General, the
 1685 state auditor, the state treasurer, or the State Board of Education; or]
 - 1686 [(D) an independent entity.]
- 1687 (2) The [state privacy officer] state privacy auditor shall:
- 1688 [(a) when completing the duties of this Subsection (2), focus on the privacy practices of
 1689 designated governmental entities;]
 - 1690 [(b) (a) compile information about [government] the privacy practices of [designated-]
 1691 governmental entities;
 - 1692 [(e) (b) make public and maintain information about [government] the privacy practices
 1693 of governmental entities on the state auditor's website;
 - 1694 [(d) (c) provide [designated-]governmental entities with [educational and training

1695 materials developed by the Utah Privacy Commission established in Section
 1696 63C-24-201 that include the information described in Subsection 63C-24-202(1)(b)]
 1697 guidance and training regarding the data privacy auditing standards developed by the
 1698 state privacy auditor;

1699 [(e)] (d) implement a process to analyze and respond to requests from individuals for the [
 1700 ~~state privacy officer to review a designated]~~ state privacy auditor to audit a
 1701 governmental entity's privacy practice;

1702 [(f)] (e) identify annually which [~~designated]~~ governmental entities' privacy practices
 1703 pose the greatest risk to individual privacy and prioritize those privacy practices [~~for~~
 1704 ~~review]~~ to be audited;

1705 [(g)] (f) [~~review]~~ audit each year, in as timely a manner as possible, the privacy practices
 1706 that the state privacy [officer] auditor identifies under Subsection [(2)(e) or (2)(f)]
 1707 (2)(d) or (2)(e) as posing the greatest risk to individuals' privacy;

1708 [(h)] (g) when [~~reviewing a designated]~~ auditing a governmental entity's privacy practice
 1709 under Subsection [(2)(g),] (2)(f), analyze:

1710 (i) details about the technology or the policy and the technology's or the policy's
 1711 application;

1712 (ii) information about the type of personal data being used;

1713 (iii) information about how the personal data is obtained, stored, shared, secured, and
 1714 disposed;

1715 (iv) information about [~~with which persons the designated]~~ the governmental [~~entity~~
 1716 ~~shares the information]~~ entity's sharing or selling of personal data;

1717 (v) information about whether an individual can or should be able to opt out of the
 1718 retention, selling, and sharing of the individual's personal data;

1719 (vi) information about how the [~~designated]~~ governmental entity de-identifies or
 1720 anonymizes personal data;

1721 (vii) a determination about the existence of alternative technology or improved
 1722 practices to protect privacy; and

1723 (viii) a finding of whether the [~~designated]~~ governmental entity's current privacy [
 1724 ~~practice]~~ practices adequately [~~protects]~~ protect individual privacy; and

1725 [(i)] (h) after completing [~~a review]~~ an audit described in Subsections [(2)(g)] (2)(f) and [
 1726 (h)] (g), determine:

1727 (i) each [~~designated]~~ governmental entity's use of personal data, including the [
 1728 ~~designated]~~ governmental entity's privacy practices regarding personal data:

- 1729 (A) acquisition;
- 1730 (B) storage;
- 1731 (C) disposal;
- 1732 (D) protection; and
- 1733 (E) sharing;
- 1734 (ii) the adequacy of the ~~[designated]~~ governmental entity's practices in each of the
- 1735 areas described in Subsection ~~[(2)(i)(i)-]~~ (2)(h)(i); and
- 1736 (iii) for each of the areas described in Subsection ~~[(2)(i)(i)-]~~ (2)(h)(i) that the ~~[state~~
- 1737 ~~privacy officer]~~ state privacy auditor determines to require reform, provide
- 1738 recommendations for reform to the ~~[designated]~~ governmental entity and the
- 1739 legislative body charged with regulating the ~~[designated]~~ governmental entity.
- 1740 (3)(a) The legislative body charged with regulating a ~~[designated]~~ governmental entity
- 1741 that receives a recommendation described in Subsection ~~[(2)(i)(iii)-]~~ (2)(h)(iii) shall
- 1742 hold a public hearing on the proposed reforms:
- 1743 (i) with a quorum of the legislative body present; and
- 1744 (ii) within 90 days after the day on which the legislative body receives the
- 1745 recommendation.
- 1746 (b)(i) The legislative body shall provide notice of the hearing described in Subsection
- 1747 (3)(a).
- 1748 (ii) Notice of the public hearing and the recommendations to be discussed shall be
- 1749 posted for the jurisdiction of the ~~[designated]~~ governmental entity, as a class A
- 1750 notice under Section 63G-30-102, for at least 30 days before the day on which the
- 1751 legislative body will hold the public hearing.
- 1752 (iii) Each notice required under Subsection (3)(b)(i) shall:
- 1753 (A) identify the recommendations to be discussed; and
- 1754 (B) state the date, time, and location of the public hearing.
- 1755 (c) During the hearing described in Subsection (3)(a), the legislative body shall:
- 1756 (i) provide the public the opportunity to ask questions and obtain further information
- 1757 about the recommendations; and
- 1758 (ii) provide any interested person an opportunity to address the legislative body with
- 1759 concerns about the recommendations.
- 1760 (d) At the conclusion of the hearing, the legislative body shall determine whether the
- 1761 legislative body shall adopt reforms to address the recommendations and any
- 1762 concerns raised during the public hearing.

1763 ~~[(4)(a) Except as provided in Subsection (4)(b), if the chief privacy officer described in~~
 1764 ~~Section 63A-19-302 is not conducting reviews of the privacy practices of state~~
 1765 ~~agencies, the state privacy officer may review the privacy practices of a state agency~~
 1766 ~~in accordance with the processes described in this section.]~~

1767 ~~[(b)] (4) Subsection (3) does not apply to[-] :~~

1768 ~~(a) a state agency[-] ;~~

1769 ~~(b) the legislative branch;~~

1770 ~~(c) the judicial branch;~~

1771 ~~(d) an executive branch agency within the Office of the Attorney General, the state~~
 1772 ~~auditor, the state treasurer, or the State Board of Education; or~~

1773 ~~(e) an independent entity.~~

1774 (5) The ~~[state privacy officer]~~ state privacy auditor shall:

1775 (a) quarterly report, to the Utah Privacy Commission:

1776 (i) recommendations for privacy practices for the commission to review; and

1777 (ii) the information provided in Subsection ~~[(2)(i)]~~ (2)(h); and

1778 (b) annually, on or before October 1, report to the Judiciary Interim Committee:

1779 (i) the results of any ~~[reviews]~~ audits described in Subsection ~~[(2)(g);]~~ (2)(f), if any [
 1780 ~~reviews]~~ audits have been completed;

1781 (ii) reforms, to the extent that the ~~[state privacy officer]~~ state privacy auditor is aware
 1782 of any reforms, that the ~~[designated]~~ governmental entity made in response to any [
 1783 ~~reviews]~~ audits described in Subsection ~~[(2)(g);]~~ (2)(f);

1784 (iii) the information described in Subsection ~~[(2)(i)]~~ (2)(h); and

1785 ~~[(iv) reports received from designated governmental entities regarding the sale or~~
 1786 ~~sharing of personal data provided under Subsection 63A-19-401(2)(f)(i); and]~~

1787 ~~[(v)]~~ (iv) recommendations for legislation based on any results of ~~[a review]~~ an audit
 1788 described in Subsection ~~[(2)(g)]~~ (2)(f).

1789 Section 28. Section **78A-2-233**, which is renumbered from Section 63D-2-104 is renumbered
 1790 and amended to read:

1791 **~~[63D-2-104]~~ 78A-2-233 (Effective upon governor's approval). Posting certain**
 1792 **information on a court website.**

1793 (1) As used in this section:

1794 (a) "Court website" means a government website operated by or on behalf of any court
 1795 created in Title 78A, Chapter 1, Judiciary.

1796 (b) "Government website" means the same as that term is defined in Section 63A-19-101.

- 1797 (c) "Personal data" means the same as that term is defined in Section 63A-19-101.
- 1798 (2) Except as provided in Subsections ~~[(2)]~~ (3) and ~~[(3)]~~ (4), a court website:
- 1799 (a) may not display ~~[personally identifiable information]~~ personal data; and
- 1800 (b) shall contain a conspicuous notice that includes a list of documents routinely posted
- 1801 on the court website.
- 1802 ~~[(2)]~~ (3) This section does not prohibit access to any original document as provided by law.
- 1803 ~~[(3)]~~ (4) This section does not apply to:
- 1804 (a) the Registry of Judgments created in Section 78B-5-201, if the Registry of
- 1805 Judgments complies with Subsection ~~[(3)(b)]~~ (4)(b);
- 1806 (b) remote access to a document through a network or system that:
- 1807 (i) is secure; and
- 1808 (ii) provides restricted access through security standards developed by the court,
- 1809 including a registration requirement under which a prospective user must provide
- 1810 the prospective user's:
- 1811 (A) identity;
- 1812 (B) business or residence address; and
- 1813 (C) citizenship status;
- 1814 (c) postings related to legitimate law enforcement purposes;
- 1815 (d) postings of documents filed or recorded more than 100 years prior to the posting;
- 1816 (e) postings of:
- 1817 (i) historical information;
- 1818 (ii) genealogical information;
- 1819 (iii) interpretive information about historic persons and events; or
- 1820 (iv) educational information about historic persons and events; or
- 1821 (f) postings of information instructing a user how to contact a website operator,
- 1822 employee, or other representative of the court.

1823 Section 29. **Repealer.**

1824 This bill repeals:

1825 Section **63A-12-115, Privacy annotation for records series -- Requirements -- Content.**

1826 Section **63C-24-101, Title.**

1827 Section **63C-24-102, Definitions.**

1828 Section **63D-2-101, Title.**

1829 Section **63D-2-102, Definitions.**

1830 Section **63D-2-103, Collection of personally identifiable information.**

1831 Section 30. **Effective Date.**

1832 (1) Except as provided in Subsection (2), this bill takes effect:

1833 (a) except as provided in Subsection (1)(b), May 7, 2025; or

1834 (b) if approved by two-thirds of all members elected to each house:

1835 (i) upon approval by the governor;

1836 (ii) without the governor's signature, the day following the constitutional time limit of

1837 Utah Constitution, Article VII, Section 8; or

1838 (iii) in the case of a veto, the date of veto override.