

1 **Individual Digital Identity Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill enacts provisions related to a state-endorsed digital identity.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ establishes guiding principles for the implementation of a state-endorsed digital identity;
- 10 ▶ outlines state policy regarding state-endorsed digital identity;
- 11 ▶ creates requirements for a state-endorsed digital identity program; and
- 12 ▶ requires the Department of Government Operations to study and make recommendations

13 regarding the implementation of a state-endorsed digital identity.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 ENACTS:

20 **63A-16-1201**, Utah Code Annotated 1953

21 **63A-16-1202**, Utah Code Annotated 1953

22 **63A-16-1203**, Utah Code Annotated 1953

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

25 Section 1. Section **63A-16-1201** is enacted to read:

26 **Part 12. State-endorsed Digital Identity**

27 **63A-16-1201 . Definitions.**

28 As used in this part:

29 (1) "Biometric data" means the same as that term is defined in Section 13-61-101.

30 (2) "Chief privacy officer" means the chief privacy officer appointed in accordance with

- 31 Section 63A-19-302.
- 32 (3) "Digital identity" means an electronic record that an individual may use to assert the
33 individual's identity.
- 34 (4) "Governmental entity" means the same as that term is described in Section 63G-2-103.
- 35 (5)(a) "Guardian" means an individual or entity authorized to act on behalf of an
36 individual.
- 37 (b) "Guardian" includes:
- 38 (i) a representative designated by an individual;
- 39 (ii) the parent or legal guardian of an unemancipated minor; or
- 40 (iii) the legal guardian of a legally incapacitated individual.
- 41 (6)(a) "Identity" means any attribute used to identify or distinguish a specific individual.
- 42 (b) "Identity" includes an individual's:
- 43 (i) personal data;
- 44 (ii) biometric data;
- 45 (iii) physical and non-physical characteristics;
- 46 (iv) image or likeness;
- 47 (v) signature; and
- 48 (vi) any other unique physical or digital identifier related to the individual.
- 49 (7) "Individual" means the same as that term is described in Section 63G-2-103.
- 50 (8)(a) "Mobile communication device" means any wireless communication device with
51 Internet capability capable of displaying or providing a state-endorsed digital identity.
- 52 (b) "Mobile communication device" includes a:
- 53 (i) cellular telephone; or
- 54 (ii) wireless tablet.
- 55 (9) "Office" means the Office of Data Privacy created in Section 63A-19-301.
- 56 (10) "Person" means the same as that term is defined in Section 63G-2-103.
- 57 (11) "Personal data" means the same as that term is defined in Section 63A-19-101.
- 58 (12) "Physical identity" means a physical record that an individual may use to prove the
59 individual's identity issued by:
- 60 (a) a governmental entity;
- 61 (b) the equivalent of a governmental entity in another state;
- 62 (c) the federal government; or
- 63 (d) another country.
- 64 (13) "State-endorsed digital identity" means an individual's digital identity that:

- 65 (a) is controlled by the individual; and
66 (b) has been officially recognized by the state.

67 (14) "State-endorsed digital identity program" means a state initiative which is designed to
68 develop methods, policies, and procedures to endorse an individual's digital identity.

69 (15) "System" means the technological infrastructure, processes, and procedures used to
70 create, store, manage, and validate a state-endorsed digital identity.

71 Section 2. Section **63A-16-1202** is enacted to read:

72 **63A-16-1202 . State digital identity policy.**

73 (1) It is the policy of Utah that:

- 74 (a) each individual has a unique identity;
75 (b) the state does not establish an individual's identity;
76 (c) the state may, in certain circumstances, recognize and endorse an individual's
77 identity;
78 (d) the state is obligated to respect an individual's privacy interest associated with the
79 individual's identity;
80 (e) the state is the only governmental entity that may endorse an individual's digital
81 identity for the purpose of establishing a state-endorsed digital identity;
82 (f) the state may only endorse an individual's digital identity if the state-endorsed digital
83 identity program is expressly authorized by the Legislature;
84 (g) an individual whose digital identity has been endorsed by the state is entitled to:
85 (i) choose:
86 (A) how the individual discloses the individual's state-endorsed digital identity;
87 (B) to whom the individual discloses the individual's state-endorsed digital
88 identity;
89 (C) which elements of the individual's state-endorsed digital identity to disclose;
90 (D) where the individual's state-endorsed digital identity is stored; and
91 (E) whether to use a state-endorsed digital identity or physical identity to prove
92 the individual's identity;
93 (ii) allow a governmental entity or a person to use information related to the
94 individual's use of the individual's state-endorsed digital identity for a purpose
95 other than the primary purpose for which the governmental entity or person
96 collected the information; and
97 (iii) have a guardian obtain or use a state-endorsed digital identity on the individual's
98 behalf;

- 99 (h) a governmental entity or person that accepts a state-endorsed digital identity shall:
100 (i) collect, use, and retain an individual's state-endorsed digital identity in a secure
101 manner; and
102 (ii) comply with the requirements of this part through technological means;
103 (i) a governmental entity may not:
104 (i) convey a material benefit upon an individual for using a state-endorsed digital
105 identity instead of a physical identity; or
106 (ii) withhold services or benefits from an individual if the individual uses a physical
107 identity or is otherwise unable to use a state-endorsed digital identity; and
108 (j) a governmental entity or a person may not require an individual to surrender the
109 individual's mobile communication device to verify the individual's identity.
110 (2) The state may not endorse an individual's digital identity unless:
111 (a) the state has verified an individual's identity before endorsement;
112 (b) the state-endorsed digital identity:
113 (i) incorporates state-of-the-art safeguards for protecting the individual's identity;
114 (ii) includes methods to establish authenticity;
115 (iii) is easy for an individual to adopt and use; and
116 (iv) is compatible with a wide variety of technological systems without sacrificing
117 privacy or security;
118 (c) the state provides clear information to an individual regarding how the individual
119 may:
120 (i) maintain and control the individual's state-endorsed digital identity;
121 (ii) use the individual's state-endorsed digital identity;
122 (iii) limit access to:
123 (A) the individual's state-endorsed digital identity; and
124 (B) any elements of the individual's identity disclosed by the state-endorsed digital
125 identity; and
126 (iv) obtain a new state-endorsed digital identity if the individual's state-endorsed
127 digital identity is compromised;
128 (d) the state ensures that when an individual uses a state-endorsed digital identity:
129 (i) any record of the individual's use:
130 (A) is only used for the primary purpose for which the individual disclosed the
131 state-endorsed digital identity; and
132 (B) is not disclosed, shared, or compared by the governmental entity or person

- 133 receiving the state-endorsed digital identity; and
134 (ii) the use is free from surveillance, visibility, tracking, or monitoring by any other
135 governmental entity or person; and
136 (e) the state-endorsed digital identity enables an individual to:
137 (i) selectively disclose elements of the individual's identity; and
138 (ii) verify that the individual's age satisfies an age requirement without revealing the
139 individual's age or date of birth.

140 (3) The state may only revoke or withdraw the state's endorsement of an individual's
141 state-endorsed digital identity if:

- 142 (a) the state-endorsed digital identity has been compromised;
143 (b) the state's endorsement was:
144 (i) issued in error; or
145 (ii) based on fraudulent information; or
146 (c) the individual requests that the state revoke or withdraw the endorsement of the
147 individual's state-endorsed digital identity.

148 Section 3. Section **63A-16-1203** is enacted to read:

149 **63A-16-1203 . Department duties.**

150 (1) The department shall:

- 151 (a) explore ways in which the state may implement a state-endorsed digital identity
152 program consistent with the state policy expressed in Section 63A-16-1202;
153 (b) study and identify best practices regarding the use of a digital identity;
154 (c) propose policies, procedures, standards, and technology that should be incorporated
155 in the state-endorsed digital identity program;
156 (d) examine how the state-endorsed digital identity program may be implemented in the
157 most cost-effective manner possible using state resources that are already available;
158 and
159 (e) evaluate and make recommendations regarding any changes to existing statutes,
160 rules, or policies that may be necessary to facilitate the creation of a state-endorsed
161 digital identity program.

162 (2) In performing the duties described in Subsection (1), the department shall consult with:

- 163 (a) the chief information officer;
164 (b) the chief privacy officer;
165 (c) the Utah League of Cities and Towns;
166 (d) the Utah Association of Counties; and

- 167 (e) individuals who have relevant expertise, including representatives from:
- 168 (i) governmental entities;
- 169 (ii) other states; and
- 170 (iii) the private sector.
- 171 (3) The department shall report to the Public Utilities, Energy, and Technology Interim
- 172 Committee regarding the duties described in Subsection (1) and recommendations for
- 173 the implementation of a state-endorsed digital identity program on or before October 31
- 174 of each year.

175 Section 4. **Effective Date.**

176 This bill takes effect on May 7, 2025.