

HB0450S06 compared with HB0450S03

~~{Omitted text}~~ shows text that was in HB0450S03 but was omitted in HB0450S06
inserted text shows text that was not in HB0450S03 but was inserted into HB0450S06

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1

Data Privacy Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: David Shallenberger
Senate Sponsor: Kirk A. Cullimore



2

3 **LONG TITLE**

4 **General Description:**

5 This bill amends the Government Data Privacy Act and the Government Records Access
6 and Management Act.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ restructures the Utah Privacy Commission (commission) to include representatives from state agencies, cities, counties, and public education;
- 12 ▶ transfers support of the commission from the state auditor's office to the Utah Office of Data Privacy (office);
- 14 ▶ authorizes the commission to establish participation requirements for commission members;
- 16 ▶ authorizes the office to provide recommendations and guidance;
- 17 ▶ authorizes the office to partner with state institutions of higher education for research and support functions;
- 19 ▶

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requires the office and the commission to jointly study the use of passive data collection technology by governmental entities and report findings and recommendations to the Government Operations Interim Committee;

- 22 ▶ establishes the data privacy ombudsman as a component of the Office of Data Privacy;
- 23 ▶ establishes a data privacy complaint process;
- 24 ▶ removes duplicative provisions from the Government Records Access and Management Act;
- 26 ▶ expands amendment and correction procedures to cover information beyond personal data;
- 28 ▶ removes the state privacy auditor , and places the state privacy auditor's responsibility with the state auditor's office and makes conforming changes; and
- 29 ▶ makes technical and conforming changes.

31 Money Appropriated in this Bill:

32 None

33 Other Special Clauses:

34 None

35 Utah Code Sections Affected:

36 AMENDS:

37 20A-11-1002 , as last amended by Laws of Utah 2010, Chapter 389

36 ~~{20A-11-1604 , as last amended by Laws of Utah 2025, Chapters 90, 448}~~

38 53-18-102 , as last amended by Laws of Utah 2022, Chapter 367

39 53H-14-501 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

41 53H-14-502 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

43 63A-16-108 , as enacted by Laws of Utah 2023, Chapter 201

44 63A-19-101 , as last amended by Laws of Utah 2025, Chapter 475

45 63A-19-202 , as enacted by Laws of Utah 2024, Chapter 417

46 63A-19-203 , as renumbered and amended by Laws of Utah 2025, Chapter 475

47 63A-19-204 , as renumbered and amended by Laws of Utah 2025, Chapter 475

48 63A-19-301 , as last amended by Laws of Utah 2025, Chapter 475

49 63A-19-302 , as enacted by Laws of Utah 2024, Chapter 417

50 63A-19-401 , as last amended by Laws of Utah 2025, Chapter 475

51 63A-19-401.1 , as enacted by Laws of Utah 2025, Chapter 475

52 63A-19-401.2 , as enacted by Laws of Utah 2025, Chapter 475

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53 **63A-19-401.3** , as enacted by Laws of Utah 2025, Chapter 475
54 **63A-19-401.4** , as enacted by Laws of Utah 2025, Chapter 475
55 **63A-19-403** , as enacted by Laws of Utah 2024, Chapter 417
56 **63A-19-405** , as last amended by Laws of Utah 2025, Chapter 475
57 **63A-19-406** , as last amended by Laws of Utah 2025, Chapter 475
58 **63A-19-501** , as last amended by Laws of Utah 2025, Chapter 475
59 **63G-2-201** , as last amended by Laws of Utah 2025, Chapters 299, 476
60 **63G-2-301** , as last amended by Laws of Utah 2025, First Special Session, Chapter 9
61 **63G-2-302** , as last amended by Laws of Utah 2025, Chapter 172
62 **63G-2-601** , as last amended by Laws of Utah 2025, Chapter 475
63 **63G-2-803** , as last amended by Laws of Utah 2013, Chapter 426
64 **67-1a-15** , as last amended by Laws of Utah 2025, First Special Session, Chapter 17
65 **67-3-1** , as last amended by Laws of Utah 2025, First Special Session, Chapter 17
66 **67-3-13 , as last amended by Laws of Utah 2025, Chapter 475**

67 ENACTS:

68 **63A-19-407** , Utah Code Annotated 1953
69 **63A-19-502** , Utah Code Annotated 1953

70 RENUMBERS AND AMENDS:

71 **63A-19-408** , (Renumbered from 63G-2-303, as last amended by Laws of Utah 2025, Chapter
 {208} 208)

REPEALS:

73 ~~**67-3-13 , as last amended by Laws of Utah 2025, Chapter 475**~~

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

75 Section 1. Section **20A-11-1002** is amended to read:

76 **20A-11-1002. Retention and public inspection of financial statements -- Written complaint if
statement is false or unlawful.**

78 (1) The chief election officer shall:

79 (a) make each financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention
 Elections:

81 (i) open to public inspection in the office of the chief election officer; and

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- 82 (ii) available for viewing on the Internet in accordance with Section 20A-11-103;
- 83 (b) preserve those statements for at least five years; and
- 84 (c) provide certified copies of the financial statements in the same manner as for other public records.
- 86 (2) Any candidate or voter may file a written complaint with the chief election officer alleging that a
filed financial statement does not conform to law or to the truth.
- 88 (3)
- (a) As used in this Subsection (3), "required report" means a report, a financial statement, or any other
type of statement or disclosure that a person is required to make under this chapter or Chapter 12,
Part 2, Judicial Retention Elections.
- 91 (b) Before posting or otherwise publicly disclosing a required report, the lieutenant governor shall
redact from the report the following information relating to each individual referenced in the report:
- 94 (i) the phone number of the individual; and
- 95 (ii) the street number and street name in the address of the individual.
- 96 (c) The information required to be redacted under Subsection (3)(b) is not a record under Title 63G,
Chapter 2, Government Records Access and Management Act.
- 98 (d) It is unlawful to publicly disclose the information required to be redacted under Subsection (3)(b).
- 100 (e) A government officer or employee who knowingly violates Subsection (3)(d) is guilty of a class B
misdemeanor.

76 ~~{Section 1. Section 20A-11-1604 is amended to read: }~~

77 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with reporting requirements.**

- 79 (1)
- (a) Before or during the execution of any order, settlement, declaration, contract, or any other official
act of office in which a state constitutional officer has actual knowledge that the state constitutional
officer has a conflict of interest that is not stated in the conflict of interest disclosure, the state
constitutional officer shall publicly declare that the state constitutional officer may have a conflict of
interest and what that conflict of interest is.
- 85 (b) Before or during any vote on legislation or any legislative matter in which a legislator has actual
knowledge that the legislator has a conflict of interest that is not stated in the conflict of interest
disclosure, the legislator shall orally declare to the committee or body before which the matter is
pending that the legislator may have a conflict of interest and what that conflict is.

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- 90 (c) Before or during any vote on any rule, resolution, order, or any other board matter in which a
member of the State Board of Education has actual knowledge that the member has a conflict of
interest that is not stated in the conflict of interest disclosure, the member shall orally declare to the
board that the member may have a conflict of interest and what that conflict of interest is.
- 95 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall be noted:
97 (a) on the official record of the action taken, for a state constitutional officer;
98 (b) in the minutes of the committee meeting or in the Senate or House Journal, as applicable, for a
legislator; or
- 100 (c) in the minutes of the meeting or on the official record of the action taken, for a member of the State
Board of Education.
- 102 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:
104 (a)
(i) no sooner than January 1 each year, and before January 11 each year; or
105 (ii) if the state constitutional officer takes office after January 10, within 10 calendar days after the day
on which the state constitutional officer takes office; and
- 107 (b) each time the state constitutional officer changes employment.
- 108 (4) A legislator shall make a complete conflict of interest disclosure on the website:
109 (a)
(i) no sooner than January 1 each year, and before January 11 each year; or
110 (ii) if the legislator takes office after January 10, within 10 calendar days after the day on which the
legislator takes office; and
- 112 (b) each time the legislator changes employment.
- 113 (5) A member of the State Board of Education shall make a complete conflict of interest disclosure on
the website:
115 (a)
(i) no sooner than January 1 each year, and before January 11 each year; or
116 (ii) if the member takes office after January 10, within 10 calendar days after the day on which the
member takes office; and
- 118 (b) each time the member changes employment.
- 119 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
120 (a) the regulated officeholder's name;

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- 121 (b) subject to Subsection (7):
- 122 (i) the name and address of each of the regulated officeholder's current employers and each of the
regulated officeholder's employers during the preceding year; and
- 124 (ii) for each employer described in this Subsection (6)(b), a brief description of the employment,
including the regulated officeholder's occupation and, as applicable, job title;
- 127 (c) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer
during the preceding year:
- 129 (i) the name of the entity;
- 130 (ii) a brief description of the type of business or activity conducted by the entity; and
- 131 (iii) the regulated officeholder's position in the entity;
- 132 (d) in accordance with Subsection (8), for each individual from whom, or entity from which, the
regulated officeholder has received \$5,000 or more in income during the preceding year:
- 135 (i) the name of the individual or entity; and
- 136 (ii) a brief description of the type of business or activity conducted by the individual or entity;
- 138 (e) for each entity in which the regulated officeholder holds any stocks or bonds having a fair market
value of \$5,000 or more as of the date of the disclosure form or during the preceding year, but
excluding funds that are managed by a third party, including blind trusts, managed investment
accounts, and mutual funds:
- 142 (i) the name of the entity; and
- 143 (ii) a brief description of the type of business or activity conducted by the entity;
- 144 (f) for each entity not listed in Subsections (6)(c) through (e) in which the regulated officeholder
currently serves, or served in the preceding year, in a paid leadership capacity or in a paid or unpaid
position on a board of directors:
- 147 (i) the name of the entity or organization;
- 148 (ii) a brief description of the type of business or activity conducted by the entity; and
- 149 (iii) the type of position held by the regulated officeholder;
- 150 (g) at the option of the regulated officeholder, a description of any real property in which the regulated
officeholder holds an ownership or other financial interest that the regulated officeholder believes
may constitute a conflict of interest, including a description of the type of interest held by the
regulated officeholder in the property;
- 154 (h) subject to Subsection (7):

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- 155 (i) the name of the regulated officeholder's spouse; and
- 156 (ii) the name of each of the regulated officeholder's spouse's current employers and each of the regulated officeholder's spouse's employers during the preceding year, if the regulated officeholder believes the employment may constitute a conflict of interest;
- 160 (i) the name of any adult residing in the regulated officeholder's household who is not related to the officeholder by blood;
- 162 (j) for each adult described in Subsection (6)(i), a brief description of the adult's employment or occupation, if the regulated officeholder believes the adult's presence in the regulated officeholder's household may constitute a conflict of interest;
- 165 (k) at the option of the regulated officeholder, a description of any other matter or interest that the regulated officeholder believes may constitute a conflict of interest;
- 167 (l) the date the form was completed;
- 168 (m) a statement that the regulated officeholder believes that the form is true and accurate to the best of the regulated officeholder's knowledge; and
- 170 (n) the signature of the regulated officeholder.
- 171 (7)
- (a) In making the disclosure described in Subsection (6)(b) or (h), if a regulated officeholder or regulated officeholder's spouse is an at-risk government employee, as that term is defined in [~~Subsection 63G-2-303(1)(a)] Section 63A-19-408, the regulated officeholder may request the filing officer to redact from the conflict of interest disclosure:~~
- 176 (i) the regulated officeholder's employment information under Subsection (6)(b); and
- 177 (ii) the regulated officeholder's spouse's name and employment information under Subsection (6)(h).
- 179 (b) A filing officer who receives a redaction request under Subsection (7)(a) shall redact the disclosures made under Subsection (6)(b) or (h) before the filing officer makes the conflict of interest disclosure available for public inspection.
- 182 (8) In making the disclosure described in Subsection (6)(d), a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in Subsection (6)(d) in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required

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to provide the information described in Subsection (6)(d) in relation to the regulated officeholder's individual customers or clients.

- 189 (9) The disclosure requirements described in this section do not prohibit a regulated officeholder from
voting or acting on any matter.
- 191 (10) A regulated officeholder may amend a conflict of interest disclosure described in this part at any
time.
- 193 (11) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B
misdemeanor.
- 195 (12)
- (a) A regulated officeholder who intentionally or knowingly violates a provision of this section, other
than Subsection (1), is guilty of a class B misdemeanor.
- 197 (b) In addition to the criminal penalty described in Subsection (12)(a), the lieutenant governor shall
impose a civil penalty of \$100 against a regulated officeholder who violates a provision of this
section, other than Subsection (1).

102 Section 2. Section **53-18-102** is amended to read:

103 **53-18-102. Definitions.**

As used in this chapter:

- 203 (1) "Access software provider" means a provider of software, including client or server software, or
enabling tools that do any one or more of the following:
- 205 (a) filter, screen, allow, or disallow content;
- 206 (b) pick, choose, analyze, or digest content; or
- 207 (c) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.
- 209 (2) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 210 (3) "Dispatcher" means the same as that term is defined in Section 53-6-102.
- 211 (4) "Immediate family member" means a public safety employee's spouse, child, parent, or grandparent
who resides with the public safety employee.
- 213 (5) "Interactive computer service" means the same as that term is defined in Subsection 47 U.S.C.
230(f).
- 215 (6) "Law enforcement officer" or "officer":
- 216 (a) means the same as that term is defined in Section 53-13-103;
- 217 (b) includes correctional officers as defined in Section 53-13-104; and

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- 218 (c) refers only to officers who are currently employed by, retired from, or were killed in the line of duty
while in the employ of a state or local governmental law enforcement agency.
- 221 (7)
- (a) "Personal information" means a public safety employee's or a public safety employee's immediate family member's home address, home telephone number, personal mobile telephone number, personal pager number, personal email address, or personal photograph, directions to locate the public safety employee's home, or photographs of the public safety employee's or the public safety employee's immediate family member's home or vehicle.
- 227 (b) "Personal information" includes a record or a part of a record that:
- 228 (i) a public safety employee who qualifies as an at-risk government employee under Section
[63G-2-303] 63A-19-408 requests to be classified as private under Subsection 63G-2-302(1)(h); and
- 231 (ii) is classified as private under Title 63G, Chapter 2, Government Records Access and Management Act.
- 233 (8) "Public safety employee" means:
- 234 (a) a law enforcement officer;
- 235 (b) a dispatcher; or
- 236 (c) a current or retired employee or contractor of:
- 237 (i) a law enforcement agency; or
- 238 (ii) a correctional facility.
- 239 (9) "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.
- 143 Section 3. Section **53H-14-501** is amended to read:
- 144 **53H-14-501. General provisions -- Definitions.**
- As used in this part:
- 244 (1) "Advisory group" means the institution of higher education privacy advisory group established by the [state privacy auditor] chief privacy officer under Section 53H-14-502.
- 246 (2) "Aggregate data" means data that:
- 247 (a) are totaled and reported at the group, cohort, class, course, institution, region, or state level, with at least 10 individuals in the level; and
- 249 (b) do not reveal personally identifiable student data.
- 250 (3) "Chief privacy officer" means the individual appointed under Section 63A-19-302.

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- 251 [~~(3)~~] (4) "Data breach" means an unauthorized release of or unauthorized access to personally
identifiable student data that an education entity maintains.
- 253 [~~(4)~~] (5) "Data governance plan" means an education entity's comprehensive plan for managing
education data that:
- 255 (a) incorporates reasonable data industry best practices to maintain and protect student data and other
education-related data;
- 257 (b) describes the role, responsibility, and authority of the board or an institution privacy officer;
- 259 (c) provides for necessary technical assistance, training, support, and auditing;
- 260 (d) describes the process for sharing student data between the education entity and another person;
- 262 (e) describes the education entity's data expungement process, including how to respond to requests for
expungement;
- 264 (f) describes the data breach response process; and
- 265 (g) is published annually and available on the institution's website or the Utah System of Higher
Education's website.
- 267 [~~(5)~~] (6) "Education entity" means the Utah Board of Higher Education or an institution.
- 268 [~~(6)~~] (7) "Higher education privacy officer" means a privacy officer that the board designates under
Section 53H-14-503.
- 270 [~~(7)~~] (8) "Minor" means a person younger than 18 years old.
- 271 [~~(8)~~] (9)
- (a) "Personally identifiable student data" means student data that identifies or is used by the holder to
identify a student.
- 273 (b) "Personally identifiable student data" includes:
- 274 (i) a student's first and last name;
- 275 (ii) the first and last name of a student's family member;
- 276 (iii) a student's or a student's family's home or physical address;
- 277 (iv) a student's email address or other online contact information;
- 278 (v) a student's telephone number;
- 279 (vi) a student's social security number;
- 280 (vii) a student's biometric identifier;
- 281 (viii) a student's health or disability data;
- 282 (ix) a student's education entity student identification number;

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- 283 (x) a student's social media user name and password or alias;
- 284 (xi) if associated with personally identifiable student data, the student's persistent identifier, including:
- 286 (A) a customer number held in a cookie; or
- 287 (B) a processor serial number;
- 288 (xii) a combination of a student's last name or photograph with other information that together permits a
person to contact the student online;
- 290 (xiii) information about a student or a student's family that a person collects online and combines with
other personally identifiable student data to identify the student; and
- 293 (xiv) information that, alone or in combination, is linked or linkable to a specific student that would
allow a reasonable person in the school community, who does not have personal knowledge of the
relevant circumstances, to identify the student with reasonable certainty.
- 297 [~~(9) "State privacy auditor" means the state privacy auditor described in Section 67-3-13.~~]
- 298 (10) "Student" means an individual enrolled in an institution.
- 299 (11)
- (a) "Student data" means information about a student at the individual student level.
- 300 (b) "Student data" does not include aggregate or de-identified data.
- 301 (12) "Third-party contractor" means a person who:
- 302 (a) is not an institution or an employee of an institution; and
- 303 (b) pursuant to a contract with an education entity, collects or receives student data in order to provide
a product or service, as described in the contract, if the product or service is not related to school
photography, yearbooks, graduation announcements, or a similar product or service.
- 209 Section 4. Section **53H-14-502** is amended to read:
- 210 **53H-14-502. State student data protection governance.**
- 309 (1) The [~~state privacy auditor~~] chief privacy officer shall establish a higher education privacy advisory
group to advise institutions and institution boards of trustees on student data protection.
- 312 (2) The advisory group shall consist of:
- 313 (a) the [~~state privacy auditor~~] chief privacy officer;
- 314 (b) the higher education privacy officer; and
- 315 (c) the following members, appointed by the commissioner:
- 316 (i) at least one Utah System of Higher Education employee; and
- 317 (ii) at least one representative of the Utah Board of Higher Education.

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- 318 (3) The advisory group shall:
- 319 (a) discuss and make recommendations to the board and institutions regarding:
- 320 (i) existing and proposed:
- 321 (A) board rules; or
- 322 (B) board policies of the Utah Board of Higher Education or institutions; and
- 323 (ii) training on protecting student data privacy; and
- 324 (b) perform other tasks related to student data protection as designated by the Utah Board of Higher
Education.
- 326 (4) The higher education privacy officer shall:
- 327 (a) provide training and support to institution boards and employees; and
- 328 (b) produce:
- 329 (i) resource materials;
- 330 (ii) model data governance plans;
- 331 (iii) model forms for institution student data protection governance; and
- 332 (iv) a model data collection notice.
- 333 (5) The board shall:
- 334 (a)
- (i) create and maintain a data governance plan; and
- 335 (ii) annually publish the data governance plan on the Utah System of Higher Education website; and
- 337 (b) establish standards for:
- 338 (i) institution policies to protect student data;
- 339 (ii) institution data governance plans; and
- 340 (iii) a third-party contractor's use of student data.
- 243 Section 5. Section **63A-16-108** is amended to read:
- 244 **63A-16-108. Digital verifiable credential and records.**
- 343 (1) As used in this section:
- 344 (a) "Blockchain" means a distributed ledger of ordered electronic records that:
- 345 (i) is distributed across a network of computers;
- 346 (ii) utilizes technology to prevent the unauthorized alteration of electronic records; and
- 348 (iii) is mathematically verified.
- 349 (b) "Chief privacy officer" means the individual appointed under Section 63A-19-302.

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- 350 ~~[(b)]~~ (c) "Digital record schema" means a description of the data fields and tamper-evident technologies
required to create a digital verifiable credential or digital verifiable record that can be registered on a
distributed ledger technology.
- 353 ~~[(e)]~~ (d) "Digital signature" means a tamper-evident, immutable, electronic seal that is equivalent in
function and status to a notary seal issued by a government entity.
- 355 ~~[(d)]~~ (e) "Digital verifiable credential" means a digital document that:
- 356 (i) attests to a fact;
- 357 (ii) is issued by a government entity;
- 358 (iii) can be mathematically verified; and
- 359 (iv) conveys rights, privileges, and legal enforceability equivalent to the possession of a physical
credential of the same type.
- 361 ~~[(e)]~~ (f) "Digital verifiable record" means a digital record that:
- 362 (i) is issued by a government entity or has been digitally signed by a government entity;
- 364 (ii) has a digital signature;
- 365 (iii) can be mathematically verified; and
- 366 (iv) conveys rights, privileges, and legal enforceability equivalent to the possession of a physical record
of the same type.
- 368 ~~[(f)]~~ (g) "Distributed ledger" means a decentralized database that is maintained by the consensus of
replicated, shared, and synchronized digital data.
- 370 ~~[(g)]~~ (h) "Government entity" means:
- 371 (i) the state;
- 372 (ii) a state agency; or
- 373 (iii) a political subdivision of the state.
- 374 ~~[(h) "Government operations privacy officer" means the government operations privacy officer
described in Section 67-1-17.]~~
- 376 (i) "State archivist" means the state archivist appointed under Section 63A-12-102.
- 377 ~~[(j) "State privacy officer" means the state privacy officer described in Section 67-3-13.]~~
- 378 ~~[(k)]~~ (j) "State registrar" means the state registrar of vital records appointed under Section 26B-8-102.
- 380 (2) The Division of Technology Services shall:
- 381 (a) provide recommendations to government entities regarding:
- 382

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- (i) appropriate digital record schemas that allow a government to issue a digital verifiable credential or record;
- 384 (ii) policies and procedures to protect the privacy of personal identifying information maintained within distributed ledger programs;
- 386 (iii) the manner and format in which an issuer may certify a document through blockchain; and
- 388 (iv) processes and procedures for the preservation, auditability, integrity, security, and confidentiality of digital verifiable credentials and records;
- 390 (b) create a pilot program for the implementation of digital verifiable credentials by governmental entities; and
- 392 (c) report to Public Utilities, Energy, and Technology Interim Committee by October 31, 2023, on the duties described in Subsections (2)(a) and (b).
- 394 (3) In performing the duties described in Subsections (2)(a) and (b), the Division of Technology Services shall consult with:
- 396 (a) the state archivist;
- 397 (b) the chief privacy officer;
- 398 [~~(b) the state privacy officer~~];
- 399 [~~(c) the government operations privacy officer~~];
- 400 [~~(d)~~ (c) the state registrar;
- 401 [~~(e)~~ (d) private industry professionals with relevant expertise;
- 402 [~~(f)~~ (e) the Utah League of Cities and Towns; and
- 403 [~~(g)~~ (f) an association of counties in the state.

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

307 **63A-19-101. Definitions.**

As used in this chapter:

- 407 (1) "Anonymized data" means information that has been irreversibly modified so that there is no possibility of using the information, alone or in combination with other information, to identify an individual.
- 410 (2) "At-risk government employee" means the same as that term is defined in Section [63G-2-303] 63A-19-408.
- 412 (3) "Automated decision making" means using personal data to make a decision about an individual through automated processing, without human review or intervention.

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- 414 (4) "Biometric data" means the same as that term is defined in Section 13-61-101.
- 415 (5)
- (a) "Chief administrative officer" means the same as that term is defined in Section 63A-12-100.5~~{(1)}~~
~~and is a separate and distinct role from the chief administrative officer role described in Section~~
~~11-50-202, though a governmental entity may designate the same individual to serve in both roles.}~~
- 319 (b) "Chief administrative officer" for a municipality may be, in the municipality's discretion, a separate
and distinct role from the chief administrative officer role described in Section 11-50-202.
- 419 (6) "Chief privacy officer" means the individual appointed under Section 63A-19-302.
- 420 (7) "Commission" means the Utah Privacy Commission established in Section 63A-19-203.
- 421 (8) "Contract" means an agreement between a governmental entity and a person for goods or services
that involve personal data.
- 423 (9)
- (a) "Contractor" means a person who:
- 424 (i) has entered into a contract with a governmental entity; and
- 425 (ii) may process personal data under the contract.
- 426 (b) "Contractor" includes a contractor's employees, agents, or subcontractors.
- 427 (10) "Cyber Center" means the Utah Cyber Center created in Section 63A-16-1102.
- 428 ~~{(11)}~~ "Data breach" means the unauthorized access, acquisition, disclosure, loss of access, or
destruction of personal data held by a governmental entity, unless the governmental entity
concludes, according to standards established by the Cyber Center, that there is a low probability
that personal data has been compromised.}
- 432 ~~{(12)}~~ ~~{(11)}~~ "Data privacy complaint" means a complaint or concern raised by an individual
regarding:
- 434 (a) an alleged infringement on the individual's data privacy interests described in Subsection
63A-19-102(1); or
- 436 (b) a governmental entity's data privacy practices described in Part 4, Duties of Governmental Entities.
- 438 ~~(12)~~ (13) "De-identified data" means information from which personal data has been removed or
obscured so that the information is not readily identifiable to a specific individual, and which may
not be re-identified.
- 441 ~~[(13)]~~ (14) "Genetic data" means the same as that term is defined in Section 13-60-102.
- 442

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~~[(14)]~~ (15) "Governing board" means the Utah Privacy Governing Board established in Section 63A-19-201.

444 ~~[(15)]~~ (16) "Governmental entity" means the same as that term is defined in Section 63G-2-103.

445 ~~[(16)]~~ (17) "Government website" means a set of related web pages that is operated by or on behalf of a governmental entity and is:

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

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

449 ~~[(17)]~~ (18)

(a) "High-risk processing activities" means a governmental entity's processing of personal data that may have a significant impact on an individual's privacy interests, based on factors that include:

452 (i) the sensitivity of the personal data processed;

453 (ii) the amount of personal data being processed;

454 (iii) the individual's ability to consent to the processing of personal data; and

455 (iv) risks of unauthorized access or use.

456 (b) "High-risk processing activities" may include the use of:

457 (i) facial recognition technology;

458 (ii) automated decision making;

459 (iii) profiling;

460 (iv) ~~{license plate readers;~~

461 ~~{(v)} genetic data of a living person;~~

462 ~~{(v)} {vi}~~ biometric data; or

463 ~~{(vi)} {vii}~~ specific geolocation data.

464 ~~[(18)]~~ (19) "Independent entity" means the same as that term is defined in Section 63E-1-102.

465 ~~[(19)]~~ (20) "Individual" means the same as that term is defined in Section 63G-2-103.

466 ~~[(20)]~~ (21) "Legal guardian" means:

467 (a) the parent of a minor; or

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

471 ~~{(21) "License plate reader" means a computerized system of:}~~

472 ~~{(a) automated high-speed cameras used to capture license plate data; and}~~

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- 473 {~~(b) optical character recognition software that converts the license plate data into computer-readable~~
474 ~~data.~~}
- 475 [(21)] (22) "Office" means the Utah Office of Data Privacy created in Section 63A-19-301.
- 476 [(22)] (23) "Ombudsperson" means the data privacy ombudsperson appointed under Section
477 63A-19-501.
- 478 [(23)] (24) "Person" means the same as that term is defined in Section 63G-2-103.
- 479 [(24)] (25) "Personal data" means information that is linked or can be reasonably linked to an identified
480 individual or an identifiable individual.
- 481 [(25)] (26) "Privacy annotation" means a summary of personal data contained in a record series as
482 described in Section 63A-19-401.1.
- 483 [(26)] (27) "Privacy practice" means a governmental entity's:
- 484 (a) organizational, technical, administrative, and physical safeguards designed to protect an individual's
485 personal data;
- 486 (b) policies and procedures related to the acquisition, use, storage, sharing, retention, and disposal of
487 personal data; and
- 488 (c) practice of providing notice to an individual regarding the individual's privacy rights.
- 489 [(27)] (28) "Process," "processing," or "processing activity" means any operation or set of operations
490 performed on personal data, including collection, recording, organization, structuring, storage,
491 adaptation, alteration, access, retrieval, consultation, use, disclosure by transmission, transfer,
492 dissemination, alignment, combination, restriction, erasure, or destruction.
- 493 [(28)] (29) "Profiling" [~~means the processing of personal data to evaluate or predict an~~
494 ~~individual's:] means any form of automated processing performed on personal data to evaluate,
495 analyze, or predict an identified or identifiable individual's economic situation, health, personal
496 preferences, interests, reliability, behavior, location, or movements.~~
- 497 [(a) ~~economic situation;~~]
- 498 [(b) ~~health;~~]
- 499 [(c) ~~personal preferences;~~]
- 500 [(d) ~~interests;~~]
- 501 [(e) ~~reliability;~~]
- 502 [(f) ~~behavior;~~]
- 503 [(g) ~~location; or~~]

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505 [~~(h)~~ movements].

506 [~~(29)~~] (30)

(a) "Purchase" or "purchasing" means the exchange of monetary consideration to obtain the personal data of an individual who is not a party to the transaction.

407 (b) "Purchase" or "purchasing" does not include payment from one governmental entity to another governmental entity for access to a record in accordance with Section 63G-2-203.

508 [~~(30)~~] (31) "Record" means the same as that term is defined in Section 63G-2-103.

509 [~~(31)~~] (32) "Record series" means the same as that term is defined in Section 63G-2-103.

510 [~~(32)~~] (33) "Retention schedule" means a governmental entity's schedule for the retention or disposal of records that has been approved by the Records Management Committee pursuant to Section 63A-12-113.

513 {~~(34) "Security incident" means the unauthorized access, use, disclosure, modification, or destruction of information, or interference with system operations in the information system used by a governmental entity.~~}

516 [~~(33)~~] (35){(34)}

(a) "Sell" means {~~the transfer~~} [~~an exchange~~] the transfer of personal data in exchange for monetary consideration by a governmental entity to a third party.

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

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

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

522 (36){(35)} "Specific geolocation data" means the same as that term is defined in Section 13-61-101.

524 [~~(34)~~] (37){(36)}

(a) "State agency" means the following entities that are under the direct supervision and control of the governor or the lieutenant governor:

526 (i) a department;

527 (ii) a commission;

528 (iii) a board;

529 (iv) a council;

530 (v) an institution;

531 (vi) an officer;

532 (vii) a corporation;

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- 533 (viii) a fund;
- 534 (ix) a division;
- 535 (x) an office;
- 536 (xi) a committee;
- 537 (xii) an authority;
- 538 (xiii) a laboratory;
- 539 (xiv) a library;
- 540 (xv) a bureau;
- 541 (xvi) a panel;
- 542 (xvii) another administrative unit of the state; or
- 543 (xviii) an agent of an entity described in Subsections [~~(34)(a)(i)~~] ~~{(37)(a)(i)}~~ (36)(a)(i) through
(xvii).
- 545 (b) "State agency" does not include:
- 546 (i) the legislative branch;
- 547 (ii) the judicial branch;
- 548 (iii) an executive branch agency within the Office of the Attorney General, the state auditor, the state
treasurer, or the State Board of Education; or
- 550 (iv) an independent entity.
- 551 [~~(35)~~] ~~"State privacy auditor" means the same as that term is defined in Section 67-3-13.~~
- 552 [~~(36)~~] (38) (37) "Synthetic data" means artificial data that:
- 553 (a) is generated from personal data; and
- 554 (b) models the statistical properties of the original personal data.
- 555 [~~(37)~~] (39) (38) "User" means an individual who accesses a government website.
- 556 [~~(38)~~] (40) (39)
- (a) "User data" means any information about a user that is automatically collected by a government
website when a user accesses the government website.
- 558 (b) "User data" includes information that identifies:
- 559 (i) a user as having requested or obtained specific materials or services from a government website;
- 561 (ii) Internet internet sites visited by a user;
- 562 (iii) the contents of a user's data-storage device;
- 563 (iv) any identifying code linked to a user of a government website; and

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564 (v) a user's:

565 (A) IP or Mac address; or

566 (B) session ID.

567 [(39)] (41){(40)} "Website tracking technology" means any tool used by a government website to:

568 (a) monitor a user's behavior; or

569 (b) collect user data.

469 Section 7. Section **63A-19-202** is amended to read:

571

Part 2. Utah Privacy Governing Board and Utah Privacy Commission

471 **63A-19-202. Governing board duties.**

573 (1) The governing board shall:

574 (a) recommend changes to the state data privacy policy;

575 [~~(b) by July 1 of each year, approve the data privacy agenda items for the commission and make
recommendations for additional items for the data privacy agenda;~~]

577 [(e)] (b) hear issues raised by the ombudsperson regarding existing governmental entity privacy
practices;

579 [(d)] (c) evaluate and recommend the appropriate:

580 (i) structure and placement for the office within state government; and

581 (ii) authority to be granted to the office, including any authority to make rules; and

582 [(e)] (d) recommend funding mechanisms and strategies for governmental entities to enable compliance
with data privacy responsibilities, including:

584 (i) appropriations;

585 (ii) rates;

586 (iii) grants; and

587 (iv) internal service funds.

588 (2) In fulfilling the duties under this part, the governing board may receive and request input from:

590 (a) governmental entities;

591 (b) elected officials;

592 (c) subject matter experts; and

593 (d) other stakeholders.

493 Section 8. Section **63A-19-203** is amended to read:

494 **63A-19-203. Utah Privacy Commission created.**

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- 596 (1) There is created the Utah Privacy Commission.
- 597 (2)
- (a) The commission shall be composed of [~~12~~] no more than 14 members.
- 598 (b) The governor shall appoint:
- 599 (i) one member who, at the time of appointment provides internet technology services for a county;
- 601 (ii) one member with experience in cybersecurity;
- 602 (iii) one member representing private industry in technology;
- 603 (iv) one member representing law enforcement; [~~and~~]
- 604 (v) one member with experience in data privacy law.; and
- 605 (vi) one member who is a private citizen representing the public.
- 606 (c) The State Board of Education shall appoint one member representing public education entities and the privacy interests of students.
- 608 [~~(e)~~] (d) The state auditor shall appoint:
- 609 (i) one member with experience in internet technology services;
- 610 (ii) one member with experience in cybersecurity;
- 611 (iii) one member representing private industry in technology;
- 612 (iv) one member with experience in data privacy law; and
- 613 (v) one member representing municipalities [~~who, at the time of appointment, has expertise in civil liberties law, the ethical use of data, or the impacts of the use of a technology on different populations.~~] .
- 616 [~~(d)~~] (e) The attorney general shall appoint:
- 617 (i) one member with experience as a prosecutor or appellate attorney and with experience in data privacy or civil liberties law; and
- 619 (ii) one member representing law enforcement.
- 620 (3)
- (a) Except as provided in Subsection (3)(b), a member is appointed for a term of four years.
- 622 (b) The initial appointments of members described in Subsections [~~(2)(b)(i) through (b)(iii), (2)(c)(iv) through (c)(v), and (2)(d)(ii)~~] (2)(b)(i) through (iii), (2)(d)(iv) and (v), and (2)(e)(ii) shall be for two-year terms.
- 625 (c) When the term of a current member expires, a member shall be reappointed or a new member shall be appointed in accordance with Subsection (2).

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- 627 (4)
- (a) When a vacancy occurs in the membership for any reason, a replacement shall be appointed in accordance with Subsection (2) for the unexpired term.
- 629 (b) A member whose term has expired may continue to serve until a replacement is appointed.
- 631 (5) The commission shall select officers from the commission's members as the commission finds necessary.
- 633 (6)
- (a) A majority of the members of the commission is a quorum.
- 634 (b) The action of a majority of a quorum constitutes an action of the commission.
- 635 (7) A member may not receive compensation or benefits for the member's service but may receive per diem and travel expenses incurred as a member of the commission at the rates established by the Division of Finance under:
- 638 (a) Sections 63A-3-106 and 63A-3-107; and
- 639 (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- 641 (8) A member shall refrain from participating in a review of:
- 642 (a) an entity of which the member is an employee; or
- 643 (b) a technology in which the member has a financial interest.
- 644 (9) The ~~[state auditor]~~ office shall provide staff and support to the commission.
- 645 (10) The commission shall meet up to 12 times a year to accomplish the duties described in Section 63A-19-204.
- 647 (11)
- (a) The commission shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing participation requirements for commission members.
- 650 (b) A commission member who fails to meet the participation requirements established under Subsection (11)(a) may be removed by the official who appointed the member in accordance with Subsection (2).
- 552 Section 9. Section **63A-19-204** is amended to read:
- 553 **63A-19-204. Commission duties.**
- 655 (1) The commission shall:
- 656 ~~{(a) annually develop}~~, approve, and make public by May 1 of each year ~~{ a data privacy agenda that identifies for the upcoming year:}~~

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- 657 {{(i) governmental entity privacy practices to be reviewed by the commission;}}
- 658 {{(ii) educational and training materials that the commission intends to develop;}}
- 659 {{(iii) any other items related to data privacy the commission intends to study; and}}
- 660 {{(iv) best practices and guiding principles that the commission plans to develop related to government
privacy practices;}}
- 662 {{(b)}} {{(a)}} develop guiding standards and best practices with respect to government privacy
practices;
- 664 {{(c)}} {{(b)}} develop educational and training materials that include information about:
- 665 (i) the privacy implications and civil liberties concerns of the privacy practices of government entities;
- 667 (ii) best practices for government collection and retention policies regarding personal data; and
- 669 (iii) best practices for government personal data security standards; and
- 670 {{(d)}} {{(e)}} review the privacy implications and civil liberties concerns of government privacy
practices[;and] .
- 672 [(e) provide the data privacy agenda to the governing board by May 1 of each year.]
- 673 (2) The commission may{f, in addition to the approved items in the data privacy agenda prepared under
Subsection (1)(a)}} :
- 675 (a) review specific government privacy practices{{f as referred to the commission by the chief privacy
officer described in Section 63A-19-302 or the state }}privacy auditor ~~described in Section
67-3-13~~];
- 678 {{(b) review a privacy practice not accounted for in the data privacy agenda only upon referral by the
chief privacy officer or the state }}privacy auditor in accordance with this section;}}
- 681 {{(c)}} {{(b)}} review and provide recommendations regarding consent mechanisms used by
governmental entities to collect personal [information] data;
- 683 {{(d)}} {{(e)}} develop and provide recommendations to the Legislature on how to balance
transparency and public access of public records against an individual's reasonable expectations of
privacy and data protection;~~and~~
- 686 {{(e)}} {{(d)}} develop recommendations for legislation regarding the guiding standards and best
practices the commission has developed in accordance with Subsection (1)(a)~~[-]~~ ;
- 688 {{(e) {endorse any policy, practice, or report of the office; and} }
- 689 (f) consult with relevant public and private entities in the performance of the commission's duties listed
in Subsection (1){:} ; and

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- 691 {~~(3)~~} study and recommend which information contained in the privacy program report described in
692 Section 63A-19-401.3 should be a public record.
- 693 (3) At least annually, on or before October 1, the commission shall report to the [Judiciary] Government
694 Operations Interim Committee:
- 695 (a) the results of any reviews the commission has conducted;
- 696 (b) the guiding standards and best practices described in Subsection (1)(b); and
- 697 (c) any recommendations for legislation the commission has developed in accordance with Subsection
698 ~~(2)(e)~~ (2)(d).
- 699 (4)
- 700 (a) Upon request by the governing board, a member of the commission shall give an update on the work
701 of the commission at any governing board meeting.
- 702 (b) The governing board may at any time instruct the commission to review and report upon any
703 privacy developments related to governmental privacy within the scope of the commission's duties.
- 704 [~~(4) At least annually, on or before June 1, the commission shall report to the governing board~~
705 ~~regarding:]~~
- 706 [~~(a) governmental entity privacy practices the commission plans to review in the next year;]~~
- 707 [~~(b) any educational and training programs the commission intends to develop in relation to government~~
708 ~~data privacy best practices;]~~
- 709 [~~(c) results of the commission's data privacy practice reviews from the previous year; and]~~
- 710 [~~(d) recommendations from the commission related to data privacy legislation, standards, or best~~
711 ~~practices.]~~
- 712 [~~(5) The data privacy agenda detailed in Subsection (1)(a) does not add to or expand the authority of the~~
713 ~~commission.]~~
- 714 Section 10. Section **63A-19-301** is amended to read:
- 715 **63A-19-301. Utah Office of Data Privacy.**
- 716 (1) There is created within the department the Utah Office of Data Privacy.
- 717 (2) The office shall coordinate with the governing board and the commission to perform the duties in
718 this section.
- 719 (3) The office shall:
- 720 (a) create and maintain a data privacy framework designed to:

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- (i) assist governmental entities to identify and implement effective and efficient data privacy practices, tools, and systems that:
- 722 (A) protect the privacy of personal data;
- 723 (B) comply with data privacy laws and regulations specific to the governmental entity, program, or data;
- 725 (C) empower individuals to protect and control their personal data; and
- 726 (D) enable information use and sharing among governmental entities, as allowed by law; and
- 728 (ii) account for differences in a governmental entity's resources, capabilities, populations served, data types, and maturity level regarding data privacy practices;
- 730 (b) review statutory provisions related to governmental data privacy and records management to:
- 732 (i) identify conflicts and gaps in data privacy law; and
- 733 (ii) standardize language;
- 734 (c) work with governmental entities to study, research, and identify:
- 735 (i) additional data privacy practices that are feasible for governmental entities;
- 736 (ii) potential remedies and accountability mechanisms for non-compliance of a governmental entity;
- 738 (iii) ways to expand an individual's control over the individual's personal data processed by a governmental entity;
- 740 (iv) resources needed to develop, implement, and improve data privacy programs; and
- 741 (v) best practices regarding:
- 742 (A) automated decision making;
- 743 (B) the creation and use of synthetic, de-identified, or anonymized data; and
- 744 (C) the use of website tracking technology;
- 745 (d) monitor high-risk data processing activities within governmental entities;
- 746 (e) coordinate with the Cyber Center to develop an incident response plan for data breaches affecting governmental entities;
- 748 (f) coordinate with the state archivist to:
- 749 (i) incorporate data privacy practices into records management; and
- 750 (ii) include data privacy content in the trainings described in Section 63A-12-110; and
- 751 (g) develop, maintain, and make available data privacy training, education, and awareness materials that meet the requirements of Section 63A-19-401.2.

753

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~~[(g) create a data privacy training program for employees of governmental entities as described in Section 63A-19-401.3.]~~

- 755 (4) The office may:
- 756 (a) provide expertise and assistance to governmental entities for high-risk data processing activities;
- 758 (b) create assessment tools and resources that a governmental entity may use to:
- 759 (i) review, evaluate, and mature the governmental entity's privacy program, practices, and processing activities; and
- 761 (ii) evaluate the privacy impact, privacy risk, and privacy compliance of the governmental entity's privacy program, practices, and processing activities;
- 763 (c) charge a governmental entity a service fee, established in accordance with Section 63J-1-504, for providing services that enable a governmental entity to perform the governmental entity's duties under Section 63A-19-401, if the governmental entity requests the office provide those services;
- 767 (d) bill a state agency, as provided in Section 63J-1-410, for any services the office provides to a state agency;
- 769 (e) provide funding to assist a governmental entity in complying with:
- 770 (i) this chapter; and
- 771 (ii) Title 63G, Chapter 2, Part 3, Classification, and Title 63G, Chapter 2, Part 6, Collection of Information and Accuracy of Records;
- 773 (f) advise the governing board about widespread or systemic data privacy matters or alleged violations;
- 775 (g) work with the Division of Purchasing and General Services to develop cooperative contracts that a governmental entity may choose to use to support the governmental entity's data privacy compliance;
- 778 (h) make available to governmental entities privacy compliance assessment tools that may be used by governmental entities to assess the governmental entity's reasonable compliance of processing activities described in this chapter;
- 781 (i) upon request of a governmental entity or on the office's own initiative, issue guidance or recommendations regarding:
- 783 ~~{(i) {interpretation of this chapter;}}~~
- 784 (ii)(i) compliance with this chapter; and
- 785 (iii)(ii) best practices for data privacy and data governance;
- 786

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- (j) contract with an institute, component, or department at a state institution of higher education to support the office in:
- 788 (i) conducting research and prepare reports regarding data privacy and data governance;
790 (ii) providing support to the commission;
791 (iii) holding data governance summits and educational programs;
792 (iv) developing systems and tools to support data privacy and data governance; and
793 (v) providing other services in support of the office's duties under this chapter;
794 (k) create data governance models that may be used by governmental entities; and
795 [(f)] (l) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer this [part] chapter.
- 797 (5)
- (a) Upon application by a governmental entity, the office may[~~;~~]
- 798 [(f)] grant, for a limited period of time, a governmental entity with an:
- 799 [(A)] (i) extension of time to comply with certain requirements of Part 4, Duties of Governmental Entities; or
- 801 [(B)] (ii) exemption from complying with certain requirements of Part 4, Duties of Governmental Entities[~~;~~or] .
- 803 [(ii) ~~allow a governmental entity to establish a data privacy training program for the governmental entity's employees to complete, instead of the data privacy training program established by the office under Section 63A-19-401.3, if the governmental entity's data privacy training program contains the same information contained in the office's data privacy training program.~~]
- 808 (b) On the office's own initiative, the office may issue a one-time extension to a category or group of governmental entities to comply with certain requirements of Part 4, Duties of Governmental Entities.
- 811 (c) An extension issued under Subsection (5)(b):
- 812 (i) shall:
- 813 (A) identify the specific duty for which the extension is granted and the section that imposes the duty;
and
- 815 (B) specify the category or group of governmental entities to which the extension applies; and
- 817 (ii) may not be longer than 12 months.
- 818 (d) An application for an extension or exemption submitted under Subsection [(5)(a)(i)-] (5)(a) shall:

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

822 (ii) include a justification for the requested extension or exemption.

823 ~~[(e)]~~ (e) If the office grants an exemption under Subsection (5)(a), the office shall report at the next
board meeting:

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

826 (ii) the nature of the exemption.

827 ~~[(d) The office shall notify the state privacy auditor of any approved extensions or exemptions.]~~

729 Section 11. Section **63A-19-302** is amended to read:

730 **63A-19-302. Chief privacy officer -- Appointment -- Powers -- Reporting.**

831 (1) The governor shall, with the advice and consent of the Senate, appoint a chief privacy officer.

833 (2) The chief privacy officer is the director of the office.

834 (3) The chief privacy officer:

835 (a) shall exercise all powers given to and perform all duties imposed on the office;

836 (b) has administrative authority over the office;

837 (c) may make changes in office personnel and service functions under the chief privacy officer's
administrative authority;

839 (d) may authorize a designee to assist with the chief privacy officer's responsibilities; and

840 (e) shall report annually, on or before ~~[October 1]~~ June 30, to the ~~[Judiciary Interim
Committee]~~ Government Operations Interim Committee regarding:

842 (i) recommendations for legislation to address data privacy concerns; and

843 (ii) reports received from state agencies regarding the sale or sharing of personal data provided under
~~[Subsection 63A-19-401(2)(f)(ii).]~~ Section 63A-19-401.3.

745 Section 12. Section **63A-19-401** is amended to read:

746 **63A-19-401. Duties of governmental entities.**

847 (1)

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

849 (b) ~~[If any provision in this part conflicts with any other provisions of law, the more specific or more
restrictive law shall control]~~ If a more specific or more restrictive law governs the treatment of a
type of personal data, the more specific or more restrictive law shall control.

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- 853 (c) A governmental entity that is exempt under Section 63G-2-702, 63G-2-703, or 63G-2-704 from
complying with the requirements in Title 63G, Chapter 2, Part 6, Collection of Information and
Accuracy of Records, is exempt from complying with the requirements in this chapter.
- 857 (2)
- 858 (a) A governmental entity shall:
- 859 (i) initiate a data privacy program before December 31, 2025;
- 861 (ii) obtain and process only the minimum amount of personal data reasonably necessary to
efficiently achieve a specified purpose;
- 863 (iii) meet the requirements of this part for all new processing activities implemented by a
governmental entity; and
- 865 (iv) for any processing activity implemented before May 7, 2025, as soon as is reasonably
practicable, but no later than July 1, 2027:
- 865 (A) identify any non-compliant processing activity;
- 866 [~~(B)~~] document the non-compliant processing activity;]
- 867 [~~(C)~~] (B) prepare a strategy for bringing the non-compliant processing activity into compliance with this
part; and
- 869 [~~(D)~~] (C) include the information described in Subsections (2)(a)(iv)(A) [~~through (C)~~] and (B) in the
privacy program report described in Section 63A-19-401.3.
- 871 (b) A governmental entity that fulfills the reporting requirement under Section 63A-19-401.3 satisfies
the requirement to initiate a privacy program under Subsection (2)(a)(i).
- 874 (3) A governmental entity may not:
- 875 (a) establish, maintain, or use undisclosed or covert surveillance of individuals unless permitted by law;
- 877 (b) sell personal data unless expressly required by law; and
- 878 (c) share personal data unless permitted by law.
- 779 Section 13. Section **63A-19-401.1** is amended to read:
- 780 **63A-19-401.1. Privacy annotations.**
- 881 (1)
- (a) Beginning July 1, 2027, a state agency shall make a complete and accurate privacy annotation for
each record series containing personal data that the state agency collects, maintains, or uses.

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

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

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

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

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

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

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

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

798 Section 14. Section **63A-19-401.2** is amended to read:

799 **63A-19-401.2. Training requirements.**

900 [~~(1) The data privacy training program created by the office under Section 63A-4-301 shall be:~~]

902 [~~(a) designed to provide instruction regarding:~~]

903 [~~(i) data privacy best practices, obligations, and responsibilities; and]~~

904 [~~(ii) the relationship between privacy, records management, and security; and]~~

905 [~~(b) required for all employees of a governmental entity who:~~]

906 [~~(i) have access to personal data as part of the employee's work duties; or]~~

907 [~~(ii) supervise an employee who has access to personal data.]~~

908 [~~(2) The training described in Subsection (1) shall be completed:~~]

909 [~~(a) within 30 days after an employee of a governmental entity begins employment; and]~~

910 [~~(b) at least once in each calendar year.]~~

911 [~~(3) A governmental entity is responsible for:~~]

912 [~~(a) ensuring that each employee of the governmental entity completes the data privacy training as required by Subsection (2); and]~~

914 [~~(b) reporting the governmental entity's compliance with the training requirements as described in Section 63A-19-401.3.]~~

916 (1) An employee of a governmental entity shall complete data privacy training that includes instruction on:

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- 918 (a) data privacy best practices, obligations, and responsibilities;
919 (b) the relationship between privacy, records management, and security;
920 (c) the privacy interests and requirements of this chapter; and
921 (d) as applicable, the privacy interests and requirements of Title 63G, Chapter 2, Government Records
Access and Management Act.
- 923 (2) An employee of a governmental entity shall complete the data privacy training described in
Subsection (1) if the employee:
- 925 (a) has access to personal data as part of the employee's assigned duties; or
926 (b) supervises an employee who has access to personal data.
- 927 (3) The training described in Subsection (1) shall be completed:
928 (a) within 30 days after the day on which the employee begins employment with a governmental entity;
and
- 930 (b) at least once in each calendar year.
- 931 (4) A governmental entity shall:
- 932 (a) ensure that each employee described in Subsection (2) completes a data privacy training that meets
the requirements described in Subsection (1); and
- 934 (b) report the percentage of the governmental entity's employees required to complete the data privacy
training under this section that have completed the training as part of the privacy program report
described in Section 63A-19-401.3.
- 937 (5) A governmental entity may use the data privacy training created by the office to satisfy the
requirements of this section, or may provide separate data privacy training that meets the
requirements of this section.
- 840 Section 15. Section **63A-19-401.3** is amended to read:
841 **63A-19-401.3. Privacy program report.**
- 942 (1) On or before December 31 of each year, the chief administrative officer of each governmental entity
shall prepare a report that includes:
- 944 (a) ~~[whether]~~ how the governmental entity has initiated ~~[a]~~ the governmental entity's privacy program;
946 (b) a description of:
- 947 (i) ~~[any privacy practices implemented by the governmental entity]~~ the governmental entity's privacy
program including privacy practices;
- 949 (ii) strategies for improving and maturing the governmental entity's privacy program and practices; and

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- 951 (iii) the governmental entity's high-risk processing activities;
- 952 (c) a list of the types of personal data the governmental entity currently shares, sells, or purchases;
- 954 (d) the legal basis for sharing, selling, or purchasing personal data;
- 955 (e) the category of individuals or entities:
- 956 (i) with whom the governmental entity shares personal data;
- 957 (ii) to whom the governmental entity sells personal data; or
- 958 (iii) from whom the governmental entity purchases personal data;
- 959 (f) ~~[the percentage of the governmental entity's employees that have fulfilled the data privacy training requirements described in Section 63A-19-401.2]~~ the percentage of the governmental entity's employees required to complete the data privacy training under Section 63A-19-401.2 that have completed the training; and
- 963 (g) a description of any non-compliant processing activities identified under Subsection 63A-19-401(2) (a)(iv) and the governmental entity's strategy for bringing those activities into compliance with this part.
- 966 (2) The report described in Subsection (1) shall be:
- 967 (a) ~~[shall be]~~ considered a protected record under Section 63G-2-305;~~[-and]~~
- 968 (b) ~~[may be made available at the request of the office.]~~ shared with the office, in accordance with Section 63G-2-206, on or before December 31 each year; and
- 970 (c) retained by the governmental entity for no less than five years.
- 871 Section 16. Section **63A-19-401.4** is amended to read:
- 872 **63A-19-401.4. Requirements for contractors.**
- 973 (1) Except as provided in Subsection (4), a contractor that processes or has access to personal data as a part of the contractor's duties under a contract with a governmental entity is subject to the requirements of this chapter to the same extent as the governmental entity for any personal data the contractor processes or has access to under a contract with the governmental entity.
- 978 (2) A contract entered into or renewed between a contractor and a governmental entity after July 1, ~~[2026]~~ 2027, shall contain specific language that requires a contractor to comply with the requirements of this chapter with regard to the personal data processed or accessed by the contractor as a part of the contractor's duties under a contract to the same extent as required of the governmental entity.

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

986 (4) A contractor is not subject to the data privacy training program requirements described in Section
63A-19-401.2.

888 Section 17. Section **63A-19-403** is amended to read:

889 **63A-19-403. Procedure to request amendment or correction of personal data.**

990 (1) A governmental entity that collects personal data shall provide a procedure by which an individual
or legal guardian of an individual may request an amendment or correction of:

992 (a) personal data that has been furnished to the governmental entity[-]; and

993 (b) information concerning an identifiable individual contained in a record maintained by the
governmental entity, as allowed by law.

995 (2) The procedure by which an individual or legal guardian of an individual may request an amendment
or correction shall comply with all applicable laws and regulations to which the personal data or
information at issue and to which the governmental entity is subject.

998 (3) The procedure to request an amendment or correction described in this section does not obligate the
governmental entity to make the requested amendment or correction.

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

901 **63A-19-405. Data breach notification to the Cyber Center and the Office of the Attorney**

General.

1003 (1)

(a) {As used in this section, "data breach" means:}

1004 {(a) the unauthorized access, unauthorized acquisition, unauthorized disclosure, loss of access, or
unauthorized destruction of personal data affecting 500 or more individuals; or }

1007 {(b) a compromise of the security, confidentiality, availability, or integrity of the computer systems
used by a governmental entity.}

1009 {(2)

{(a) A governmental entity that identifies a security incident shall: }

1010 {(i) determine whether the security incident constitutes a data breach; and }

1011 {(ii) {document the governmental entity's determination under Subsection (2)(a)(i).}

1012

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~~{(b)}~~ A governmental entity that ~~{[identifies a data breach affecting 500 or more individuals shall notify the Cyber Center and the attorney general of the data breach.]}~~ ~~determines under Subsection (2)(a) that a security incident constitutes a data breach shall provide notification of the data breach to:~~

1016 ~~{(i) the attorney general; and}~~

1017 ~~{(ii) the Cyber Center in accordance with Section 63A-16-1103.}~~

1018 ~~{(b)}~~ ~~{(e)}~~ In addition to the notification required by Subsection ~~{(1)(a), }~~ ~~{(2)(b),}~~ a governmental entity that identifies the unauthorized access, acquisition, disclosure, loss of access, or destruction of data that compromises the security, confidentiality, availability, or integrity of the computer systems used or information maintained by the governmental entity shall ~~[notify]~~ provide notification to the Cyber Center in accordance with Section 63A-16-1103.

911 (c) A governmental entity that identifies the unauthorized access, unauthorized acquisition, unauthorized disclosure, loss of access, or unauthorized destruction of personal data that is used or is reasonably likely to be used to commit theft, fraud, or other criminal acts shall provide notification of the breach to:

915 (i) each individual whose personal data is involved in the breach; and

916 (ii) the attorney general.

1024 ~~{(2)}~~ ~~{(3)}~~ The notification under Subsection ~~{(1) }~~ ~~{(2)}~~ shall:

1025 (a) be made without unreasonable delay, but no later than five days from the discovery of the data breach; and

1027 (b) include the following information:

1028 (i) the date and time the data breach occurred;

1029 (ii) the date the data breach was discovered;

1030 (iii) a short description of the data breach that occurred;

1031 (iv) the means by which access was gained to the system, computer, or network;

1032 (v) the person who perpetrated the data breach;

1033 (vi) steps the governmental entity is or has taken to mitigate the impact of the data breach; and

1035 (vii) any other details requested by the Cyber Center.

1036 ~~{(3)}~~ ~~{(4)}~~ For a data breach ~~[under]~~ described in Subsection ~~{(1)(a), }~~ ~~{(2)(b)}~~ the governmental entity shall provide the following information to the Cyber Center and the attorney general in addition to the information required under Subsection ~~{(2)(b)}~~ ~~{(3)(b)}~~:

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- 1039 (a) the total number of individuals affected by the data breach, including the total number of Utah
residents affected; and
- 1041 (b) the type of personal data involved in the data breach.
- 1042 ~~{{(4)} { (5)}}~~ If the information required by Subsections ~~{{(2)(b)} { (3)(b)}}~~ and ~~{{(3)} { (4)}}~~ is not
available within five days of discovering the breach, the governmental entity shall provide as much
of the information required under Subsections ~~{{(2)(b)} { (3)(b)}}~~ and ~~{{(3)} { (4)}}~~ as is available
and supplement the notification with additional information as soon as the information becomes
available.
- 1047 ~~{{(5)}}~~
- ~~{{(a) A governmental entity that experiences a data breach affecting fewer than 500 individuals shall
create an internal incident report containing the information in Subsection (2)(b) as soon as
practicable and shall provide additional information as the information becomes available.}}~~
- 1051 ~~{{(b) A governmental entity shall provide to the Cyber Center:}}~~
- 1052 ~~{{(i) an internal incident report described in Subsection (5)(a) upon request of the Cyber Center; and}}~~
- 1054 ~~{{(ii) an annual report logging all of the governmental entity's data breach incidents affecting fewer than
500 individuals.}}~~
- 949 Section 19. Section **63A-19-406** is amended to read:
- 950 **63A-19-406. Data breach notice to individuals affected by data breach.**
- 1058 ~~{{(1) As used in this section, "data breach" means the unauthorized access, unauthorized acquisition,
unauthorized disclosure, loss of access, or unauthorized destruction of personal data held by a
governmental entity, unless the governmental entity concludes that there is a low probability that
personal data has been compromised.}}~~
- 1062 ~~{{(1)} { (2)}}~~
- (a) Except as provided in Subsection ~~{{(1)(b), { (2)(b),}}~~ a governmental entity shall ~~{{provide}}~~
cause a data breach notice to be sent to an individual or legal guardian of an individual affected by
the data breach:
- 1065 (i) after determining the scope of the data breach;
- 1066 (ii) after restoring the reasonable integrity of the affected system, if necessary; and
- 1067 (iii) without unreasonable delay except as provided in Subsection ~~{{(2).{ (3).}}~~
- 1068 (b) A governmental entity or the governmental entity's contractor is not required to provide a data
breach notice to an affected individual as described in Subsection ~~{{(1)(a) { (2)(a)}}~~ if the:

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- 1071 (i) personal data involved in the data breach would be classified as a public record under Section
63G-2-301; and
- 1073 (ii) the governmental entity prominently posts notice of the data breach on the homepage of the
governmental entity's government website.
- 1075 ~~{(2){1} {(3)}~~ A governmental entity or the governmental entity's contractor shall delay providing
notification under Subsection ~~{(1){1} (2)}~~ at the request of a law enforcement agency that
determines that notification may impede a criminal investigation, until ~~[such time as]~~ the law
enforcement agency informs the governmental entity that notification will no longer impede the
criminal investigation.
- 1080 ~~{(3){1} {(4)}~~ The data breach notice to an affected individual shall include:
- 1081 (a) a description of the data breach;
- 1082 (b) the individual's personal data that was accessed or may have been accessed;
- 1083 (c) steps the governmental entity is taking or has taken to mitigate the impact of the data breach; and
- 1085 (d) recommendations to the individual on how to protect ~~[themselves]~~ the individual from identity theft
and other financial losses~~[-and]~~ .
- 1087 ~~[(e) any other language required by the Cyber Center.]~~
- 1088 ~~{(4){1} {(5)}~~ Unless the governmental entity reasonably believes that providing notification
would pose a threat to the safety of an individual, or unless an individual has designated to
the governmental entity a preferred method of communication, a governmental entity or the
governmental entity's contractor shall provide notice by:
- 1092 (a)
- (i) email, if reasonably available and allowed by law; or
- 1093 (ii) mail; and
- 1094 (b) one of the following methods, if the individual's contact information is reasonably available and the
method is allowed by law:
- 1096 (i) text message with a summary of the data breach notice and instructions for accessing the full notice;
or
- 1098 (ii) telephone message with a summary of the data breach notice and instructions for accessing the full
data breach notice.
- 1100 ~~{(5){1} {(6)}~~ A governmental entity shall also provide a data breach notice in a manner that is
reasonably calculated to have the best chance of being received by the affected individual or the

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legal guardian of an individual, such as through a press release, posting on appropriate social media accounts, or publishing notice in a newspaper of general circulation when:

- 1105 (a) a data breach affects more than 500 individuals; and
1106 (b) a governmental entity is unable to obtain an individual's contact information to provide notice for any method listed in Subsection {f(4).{3} (5):}

997 Section 20. Section **20** is enacted to read:

998 **63A-19-407. Technology transparency study -- Report to Legislature.**

- 1110 (1) The office and the commission shall jointly study the implementation of processing activities for which an individual's personal data may be collected without the ability to provide direct notice:
1113 (a) the public safety benefits and legitimate governmental purposes served by the processing activities described in this Subsection (1);
1115 (b) the privacy implications of the processing activities described in this Subsection (1); and
1117 (c) appropriate frameworks for governing the processing activities described in this Subsection (1) by governmental entities.
1119 (2) In conducting the study described in Subsection (1), the office and the commission shall solicit input from:
1121 (a) state and local law enforcement agencies;
1122 (b) civil liberties organizations;
1123 (c) governmental entities that use or are considering the use of data collection technology; and
1125 (d) other interested stakeholders.
1126 (3) On or before the November 2027 interim meeting, the office shall report the findings and recommendations of the study described in Subsection (2) to the Government Operations Interim Committee, including any recommended legislation.

1018 Section 21. Section **63A-19-408** is renumbered and amended to read:

1020 **[63G-2-303]63A-19-408. Private information concerning certain government employees.**

- 1721 (1) As used in this section:
1722 (a) "At-risk government employee" means a current or former:
1723 (i) peace officer as specified in Section 53-13-102;
1724 (ii) state or federal judge of an appellate, district, justice, or juvenile court, or court commissioner;
1726 (iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;
1727 (iv) judge authorized by Armed Forces, Title 10, United States Code;

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- 1728 (v) federal prosecutor;
- 1729 (vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;
- 1730 (vii) law enforcement official as defined in Section 53-5a-311;
- 1731 (viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or
- 1732 (ix) state, federal, or local government employee who, because of the unique nature of the employee's regular work assignments or because of one or more recent credible threats directed to or against the employee, would be at immediate and substantial risk of physical harm if the employee's personal information is disclosed.
- 1737 (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an at-risk government employee who is living with the employee.
- 1739 (c) "Personal information" means the employee's or the employee's family member's home address, home telephone number, personal mobile telephone number, personal pager number, personal email address, social security number, insurance coverage, marital status, or payroll deductions.
- 1743 (2)
- (a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may file a written application that:
- 1745 (i) gives notice of the employee's status as an at-risk government employee to each agency of a government entity holding a record or a part of a record that would disclose the employee's personal information; and
- 1748 (ii) requests that the government agency classify those records or parts of records as private.
- 1750 (b) An at-risk government employee desiring to file an application under this section may request assistance from the government agency to identify the individual records containing personal information.
- 1753 (c) Each government agency shall develop a form that:
- 1754 (i) requires the at-risk government employee to designate each specific record or part of a record containing the employee's personal information that the applicant desires to be classified as private;
- 1757 (ii) affirmatively requests that the government entity holding those records classify them as private;
- 1759 (iii) informs the employee that by submitting a completed form the employee may not receive official announcements affecting the employee's property, including notices about proposed municipal annexations, incorporations, or zoning modifications; and
- 1763 (iv) contains a place for the signature required under Subsection (2)(d).

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- 1764 (d) A form submitted by an employee under Subsection (2)(c) shall be signed by the highest ranking
elected or appointed official in the employee's chain of command certifying that the employee
submitting the form is an at-risk government employee.
- 1767 (3) A county recorder, county treasurer, county auditor, or a county tax assessor may fully satisfy the
requirements of this section by:
- 1769 (a) providing a method for the assessment roll and index and the tax roll and index that will block
public access to the home address, home telephone number, situs address, and Social Security
number; and
- 1772 (b) providing the at-risk government employee requesting the classification with a disclaimer informing
the employee that the employee may not receive official announcements affecting the employee's
property, including notices about proposed annexations, incorporations, or zoning modifications.
- 1776 (4) A government agency holding records of an at-risk government employee classified as private under
this section may release the record or part of the record if:
- 1778 (a) the employee or former employee gives written consent;
- 1779 (b) a court orders release of the records;
- 1780 (c) the government agency receives a certified death certificate for the employee or former employee; or
- 1782 (d) as it relates to the employee's voter registration record:
- 1783 (i) the person to whom the record or part of the record is released is a qualified person under Subsection
20A-2-104(4)(n); and
- 1785 (ii) the government agency's release of the record or part of the record complies with the requirements
of Subsection 20A-2-104(4)(o).
- 1787 (5)
- (a) If the government agency holding the private record receives a subpoena for the records, the
government agency shall attempt to notify the at-risk government employee or former employee
by mailing a copy of the subpoena to the employee's last-known mailing address together with a
request that the employee either:
- 1791 (i) authorize release of the record; or
- 1792 (ii) within 10 days of the date that the copy and request are mailed, deliver to the government
agency holding the private record a copy of a motion to quash filed with the court who issued
the subpoena.
- 1795 (b) The government agency shall comply with the subpoena if the government agency has:

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- 1797 (i) received permission from the at-risk government employee or former employee to comply with the
subpoena;
- 1799 (ii) not received a copy of a motion to quash within 10 days of the date that the copy of the subpoena
was mailed; or
- 1801 (iii) received a court order requiring release of the records.
- 1802 (6)
- (a) Except as provided in Subsection (6)(b), a form submitted under this section remains in effect until
the earlier of:
- 1804 (i) four years after the date the employee signs the form, whether or not the employee's employment
terminates before the end of the four-year period; and
- 1806 (ii) one year after the government agency receives official notice of the death of the employee.
- 1808 (b) A form submitted under this section may be rescinded at any time by:
- 1809 (i) the at-risk government employee who submitted the form; or
- 1810 (ii) if the at-risk government employee is deceased, a member of the employee's immediate family.
- 1113 Section 22. Section **63A-19-501** is amended to read:
- 1114 **63A-19-501. Data privacy ombudsperson.**
- 1225 (1) ~~[The governor shall appoint a data privacy ombudsperson with the advice of the governing
board.]~~ There is created within the office the position of data privacy ombudsperson.
- 1228 (2) The governor shall appoint the ombudsperson with the advice of the governing board.
- 1229 ~~[(2)]~~ (3) The ombudsperson shall:
- 1230 (a) be an attorney in good standing and authorized to practice law in this state;
- 1231 (b) be familiar with the provisions of:
- 1232 (i) this chapter;
- 1233 (ii) Chapter 12, Division of Archives and Records Service and Management of Government Records;
and
- 1235 (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 1236 ~~[(b)]~~ (c) serve as a resource for:
- 1237 (i) an individual who is making ~~[or responding to a complaint about a governmental entity's data
privacy practice]~~ a data privacy complaint; and
- 1239 (ii) a governmental entity ~~[which]~~ that is the subject of a data privacy complaint.
- 1240 ~~[(3)]~~ (4) The ombudsperson may~~[-]~~ :

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- 1241 (a)
- (i) upon request by a governmental entity or individual, mediate ~~[data privacy disputes between individuals and governmental entities]~~ a dispute between the governmental entity and the individual regarding the individual's data privacy complaint; and
- 1245 (ii) upon resolution of a data privacy complaint described in Subsection (4)(a)(i), post on the office's website a brief summary of the data privacy complaint and the resolution of the matter; and
- 1248 (b) provide data privacy education and training in accordance with Subsection 63A-19-301(3)(g).
- 1250 (5) The ombudsperson may not:
- 1251 (a) mediate a dispute between a governmental entity and an individual if the individual's data privacy complaint is within the authority of:
- 1253 (i) the Government Records Office created in Section 63A-12-202; or
- 1254 (ii) the government records ombudsman established in Section 63A-12-204;
- 1255 (b) expand the scope of a mediation beyond the individual's data privacy complaint;
- 1256 (c) testify, or be compelled to testify, regarding a matter for which the ombudsperson provides services under this section; or
- 1258 (d) conduct an audit of a governmental entity's privacy practices.
- 1259 ~~[(4)] (6)~~ After consultation with the chief privacy officer, the ombudsperson may raise [issues] matters and questions [before] to the governing board[regarding serious and repeated violations of data privacy from:] .
- 1262 ~~[(a) a specific governmental entity; or]~~
- 1263 ~~[(b) widespread governmental entity data privacy practices.]~~
- 1264 ~~[(5) When a data privacy complaint has been resolved, the ombudsperson shall post on the office's website a summary of the complaint and the resolution of the matter.]~~
- 1156 Section 23. Section **23** is enacted to read:
- 1157 **63A-19-502. Data privacy complaint process.**
- 1268 (1) An individual who makes a data privacy complaint shall first submit the complaint to the chief administrative officer of the governmental entity that is the subject of the complaint.
- 1271 (2) Upon receipt of a data privacy complaint under Subsection (1), the chief administrative officer shall attempt to resolve the complaint with the individual.
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(3) If the chief administrative officer is unable to resolve a data privacy complaint with the individual under Subsection (2), the individual or the governmental entity may request mediation with the ombudsperson in accordance with Section 63A-19-501.

1276 (4) If an individual submits a data privacy complaint directly to the ombudsperson, the ombudsperson shall:

1278 (a) notify the individual and the governmental entity that the complaint will be referred to the chief administrative officer of the governmental entity; and

1280 (b) refer the complaint to the chief administrative officer.

1281 (5) This section does not apply to a complaint about data privacy that is within the authority of:

1283 (a) the Government Records Office created in Section 63A-12-202; or

1284 (b) the government records ombudsman established in Section 63A-12-204.

1175 (6) An employee of a governmental entity may submit a confidential and anonymous data privacy complaint directly to the attorney general.

1177 (7) An employee of a governmental entity who submits a complaint under Subsection (6) is entitled to the protections described in Title 67, Chapter 21, Utah Protection of Public Employees Act.

1180 Section 24. Section **63G-2-201** is amended to read:

1181 **63G-2-201. Provisions relating to records -- Public records -- Private, controlled, protected, and other restricted records -- Disclosure and nondisclosure of records -- Certified copy of record -- Limits on obligation to respond to record request.**

1289 (1)

(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public record free of charge, and the right to take a copy of a public record during normal working hours, subject to Sections 63G-2-203 and 63G-2-204.

1292 (b) A right under Subsection (1)(a) does not apply with respect to a record:

1293 (i) a copy of which the governmental entity has already provided to the person;

1294 (ii) that is the subject of a records request that the governmental entity is not required to fill under Subsection (7)(a)(v); or

1296 (iii)

(A) that is accessible only by a computer or other electronic device owned or controlled by the governmental entity;

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- (B) that is part of an electronic file that also contains a record that is private, controlled, or protected;
and
- 1300 (C) that the governmental entity cannot readily segregate from the part of the electronic file that
contains a private, controlled, or protected record.
- 1302 (2) A record is public unless otherwise expressly provided by statute.
- 1303 (3) The following records are not public:
- 1304 (a) a record that is private, controlled, or protected under Sections 63G-2-302,
[63G-2-303] 63A-19-408, 63G-2-304, and 63G-2-305; and
- 1306 (b) a record to which access is restricted pursuant to court rule, another state statute, federal statute,
or federal regulation, including records for which access is governed or restricted as a condition of
participation in a state or federal program or for receiving state or federal funds.
- 1310 (4) Only a record specified in Section 63G-2-302, [63G-2-303] 63A-19-408, 63G-2-304, or 63G-2-305
may be classified private, controlled, or protected.
- 1312 (5)
- (a) A governmental entity may not disclose a record that is private, controlled, or protected to any
person except as provided in Subsection (5)(b), Subsection (5)(c), Section 63G-2-202, 63G-2-206,
or [63G-2-303] 63A-19-408.
- 1315 (b) A governmental entity may disclose a record that is private under Subsection 63G-2-302(2) or
protected under Section 63G-2-305 to persons other than those specified in Section 63G-2-202 or
63G-2-206 if the head of a governmental entity, or a designee, determines that:
- 1319 (i) there is no interest in restricting access to the record; or
- 1320 (ii) the interests favoring access are greater than or equal to the interest favoring restriction of access.
- 1322 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may disclose a record
that is protected under Subsection 63G-2-305(51) if:
- 1324 (i) the head of the governmental entity, or a designee, determines that the disclosure:
- 1325 (A) is mutually beneficial to:
- 1326 (I) the subject of the record;
- 1327 (II) the governmental entity; and
- 1328 (III) the public; and
- 1329 (B) serves a public purpose related to:
- 1330 (I) public safety; or

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- 1331 (II) consumer protection; and
- 1332 (ii) the person who receives the record from the governmental entity agrees not to use or allow the use
of the record for advertising or solicitation purposes.
- 1334 (6) A governmental entity shall provide a person with a certified copy of a record if:
- 1335 (a) the person requesting the record has a right to inspect it;
- 1336 (b) the person identifies the record with reasonable specificity; and
- 1337 (c) the person pays the lawful fees.
- 1338 (7)
- (a) In response to a request, a governmental entity is not required to:
- 1339 (i) create a record;
- 1340 (ii) compile, format, manipulate, package, summarize, or tailor information;
- 1341 (iii) provide a record in a particular format, medium, or program not currently maintained by the
governmental entity;
- 1343 (iv) fulfill a person's records request if the request unreasonably duplicates prior records requests
from that person;
- 1345 (v) fill a person's records request if:
- 1346 (A) the record requested is:
- 1347 (I) publicly accessible online; or
- 1348 (II) included in a public publication or product produced by the governmental entity receiving the
request; and
- 1350 (B) the governmental entity:
- 1351 (I) specifies to the person requesting the record where the record is accessible online; or
- 1353 (II) provides the person requesting the record with the public publication or product and specifies where
the record can be found in the public publication or product; or
- 1356 (vi) fulfill a person's records request if:
- 1357 (A) the person has been determined under Section 63G-2-209 to be a vexatious requester;
- 1359 (B) the order of the director of the Government Records Office determining the person to be a vexatious
requester provides that the governmental entity is not required to fulfill a request from the person for
a period of time; and
- 1362 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 1363 (b) A governmental entity shall conduct a reasonable search for a requested record.

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- 1364 (8)
- (a) Although not required to do so, a governmental entity may, upon request from the person who submitted the records request, compile, format, manipulate, package, summarize, or tailor information or provide a record in a format, medium, or program not currently maintained by the governmental entity.
- 1368 (b) In determining whether to fulfill a request described in Subsection (8)(a), a governmental entity may consider whether the governmental entity is able to fulfill the request without unreasonably interfering with the governmental entity's duties and responsibilities.
- 1372 (c) A governmental entity may require a person who makes a request under Subsection (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for providing the information or record as requested.
- 1375 (9)
- (a) Notwithstanding any other provision of this chapter, and subject to Subsection (9)(b), a governmental entity is not required to respond to, or provide a record in response to, a record request if the request is submitted by or in behalf of an individual who is on parole or confined in a jail or other correctional facility following the individual's conviction.
- 1380 (b) Subsection (9)(a) does not apply to:
- 1381 (i) the first five record requests submitted to the governmental entity by or in behalf of an individual described in Subsection (9)(a) during any calendar year requesting only a record that contains a specific reference to the individual; or
- 1384 (ii) a record request that is submitted by an attorney of an individual described in Subsection (9)(a).
- 1386 (10)
- (a) A governmental entity may allow a person requesting more than 50 pages of records to copy the records if:
- 1388 (i) the records are contained in files that do not contain records that are exempt from disclosure, or the records may be segregated to remove private, protected, or controlled information from disclosure; and
- 1391 (ii) the governmental entity provides reasonable safeguards to protect the public from the potential for loss of a public record.
- 1393 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:
- 1394

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- 1396 (i) provide the requester with the facilities for copying the requested records and require that the requester make the copies; or
- 1399 (ii) allow the requester to provide the requester's own copying facilities and personnel to make the copies at the governmental entity's offices and waive the fees for copying the records.
- 1403 (11)
- 1406 (a) A governmental entity that owns an intellectual property right and that offers the intellectual property right for sale or license may control by ordinance or policy the duplication and distribution of the material based on terms the governmental entity considers to be in the public interest.
- 1409 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections granted to the governmental entity under federal copyright or patent law as a result of its ownership of the intellectual property right.
- 1412 (12) A governmental entity may not use the physical form, electronic or otherwise, in which a record is stored to deny, or unreasonably hinder the rights of a person to inspect and receive a copy of a record under this chapter.
- 1413 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide access to an electronic copy of a record in lieu of providing access to its paper equivalent if:
- 1415 (a) the person making the request requests or states a preference for an electronic copy;
- 1416 (b) the governmental entity currently maintains the record in an electronic format that is reproducible and may be provided without reformatting or conversion; and
- 1417 (c) the electronic copy of the record:
 - 1419 (i) does not disclose other records that are exempt from disclosure; or
 - 1422 (ii) may be segregated to protect private, protected, or controlled information from disclosure without the undue expenditure of public resources or funds.
- 1424 (14) In determining whether a record is properly classified as private under Subsection 63G-2-302(2) (d), the governmental entity, the director of the Government Records Office, local appeals board, or court shall consider and weigh:
 - 1422 (a) any personal privacy interests, including those in images, that would be affected by disclosure of the records in question; and
 - 1424 (b) any public interests served by disclosure.
- 1320 Section 25. Section **63G-2-301** is amended to read:
- 1321 **63G-2-301. Public records.**

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- 1427 (1) As used in this section:
- 1428 (a) "Business address" means a single address of a governmental agency designated for the public to
contact an employee or officer of the governmental agency.
- 1430 (b) "Business email address" means a single email address of a governmental agency designated for the
public to contact an employee or officer of the governmental agency.
- 1433 (c) "Business telephone number" means a single telephone number of a governmental agency
designated for the public to contact an employee or officer of the governmental agency.
- 1436 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 1437 (2) The following records are public except to the extent they contain information expressly permitted
to be treated confidentially under the provisions of Subsections 63G-2-201(3)(b) and (6)(a):
- 1440 (a) laws;
- 1441 (b) the name, gender, gross compensation, job title, job description, business address, business email
address, business telephone number, number of hours worked per pay period, dates of employment,
and relevant education, previous employment, and similar job qualifications of a current or former
employee or officer of the governmental entity, excluding:
- 1446 (i) undercover law enforcement personnel; and
- 1447 (ii) investigative personnel if disclosure could reasonably be expected to impair the effectiveness of
investigations or endanger any individual's safety;
- 1449 (c) final opinions, including concurring and dissenting opinions, and orders that are made by a
governmental entity in an administrative, adjudicative, or judicial proceeding except that if the
proceedings were properly closed to the public, the opinion and order may be withheld to the extent
that they contain information that is private, controlled, or protected;
- 1454 (d) final interpretations of statutes or rules by a governmental entity unless classified as protected as
provided in Subsection 63G-2-305(17) or (18);
- 1456 (e) information contained in or compiled from a transcript, minutes, or report of the open portions of a
meeting of a governmental entity as provided by Title 52, Chapter 4, Open and Public Meetings Act,
including the records of all votes of each member of the governmental entity;
- 1460 (f) judicial records unless a court orders the records to be restricted under the rules of civil or criminal
procedure or unless the records are private under this chapter;
- 1462 (g) unless otherwise classified as private under Section [63G-2-303] 63A-19-408, records or parts
of records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning

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commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or other governmental entities that give public notice of:

- 1468 (i) titles or encumbrances to real property;
- 1469 (ii) restrictions on the use of real property;
- 1470 (iii) the capacity of persons to take or convey title to real property; or
- 1471 (iv) tax status for real and personal property;
- 1472 (h) records of the Department of Commerce that evidence incorporations, mergers, name changes, and uniform commercial code filings;
- 1474 (i) data on individuals that would otherwise be private under this chapter if the individual who is the subject of the record has given the governmental entity written permission to make the records available to the public;
- 1477 (j) documentation of the compensation that a governmental entity pays to a contractor or private provider;
- 1479 (k) summary data;
- 1480 (l) voter registration records, including an individual's voting history, except for a voter registration record or those parts of a voter registration record that are classified as private under Subsections 63G-2-302(1)(j) through (n) or withheld under Subsection 20A-2-104(7);
- 1484 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if available, and email address, if available, where that elected official may be reached as required in Title 11, Chapter 47, Access to Elected Officials;
- 1487 (n) for a school community council member, a telephone number, if available, and email address, if available, where that elected official may be reached directly as required in Section 53G-7-1203;
- 1490 (o) annual audited financial statements of the Utah Educational Savings Plan described in Section 53H-10-210; and
- 1492 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 1494 (3) The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b), Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 1497 (a) administrative staff manuals, instructions to staff, and statements of policy;

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- 1498 (b) records documenting a contractor's or private provider's compliance with the terms of a contract
with a governmental entity;
- 1500 (c) records documenting the services provided by a contractor or a private provider to the extent the
records would be public if prepared by the governmental entity;
- 1502 (d) contracts entered into by a governmental entity;
- 1503 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds by a
governmental entity;
- 1505 (f) records relating to government assistance or incentives publicly disclosed, contracted for, or given
by a governmental entity, encouraging a person to expand or relocate a business in Utah, except as
provided in Subsection 63G-2-305(35);
- 1508 (g) chronological logs and initial contact reports;
- 1509 (h) correspondence by and with a governmental entity in which the governmental entity determines or
states an opinion upon the rights of the state, a political subdivision, the public, or any person;
- 1512 (i) empirical data contained in drafts if:
- 1513 (i) the empirical data is not reasonably available to the requester elsewhere in similar form; and
- 1515 (ii) the governmental entity is given a reasonable opportunity to correct any errors or make
nonsubstantive changes before release;
- 1517 (j) drafts that are circulated to anyone other than:
- 1518 (i) a governmental entity;
- 1519 (ii) a political subdivision;
- 1520 (iii) a federal agency if the governmental entity and the federal agency are jointly responsible for
implementation of a program or project that has been legislatively approved;
- 1523 (iv) a government-managed corporation; or
- 1524 (v) a contractor or private provider;
- 1525 (k) drafts that have never been finalized but were relied upon by the governmental entity in carrying out
action or policy;
- 1527 (l) original data in a computer program if the governmental entity chooses not to disclose the program;
- 1529 (m) arrest warrants after issuance, except that, for good cause, a court may order restricted access to
arrest warrants prior to service;
- 1531 (n) search warrants after execution and filing of the return, except that a court, for good cause, may
order restricted access to search warrants prior to trial;

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- 1533 (o) records that would disclose information relating to formal charges or disciplinary actions against a past or present governmental entity employee if:
- 1535 (i) the disciplinary action has been completed and all time periods for administrative appeal have expired; and
- 1537 (ii) the charges on which the disciplinary action was based were sustained;
- 1538 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that evidence mineral production on government lands;
- 1541 (q) final audit reports;
- 1542 (r) occupational and professional licenses;
- 1543 (s) business licenses;
- 1544 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar records used to initiate proceedings for discipline or sanctions against persons regulated by a governmental entity, but not including records that initiate employee discipline; and
- 1548 (u)
- (i) records that disclose a standard, regulation, policy, guideline, or rule regarding the operation of a correctional facility or the care and control of inmates committed to the custody of a correctional facility; and
- 1551 (ii) records that disclose the results of an audit or other inspection assessing a correctional facility's compliance with a standard, regulation, policy, guideline, or rule described in Subsection (3)(u)(i).
- 1554 (4) The list of public records in this section is not exhaustive and should not be used to limit access to records.
- 1451 Section 26. Section **63G-2-302** is amended to read:
- 1452 **63G-2-302. Private records.**
- 1558 (1) The following records are private:
- 1559 (a) records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;
- 1561 (b) records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;
- 1563 (c) records of publicly funded libraries that when examined alone or with other records identify a patron;

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- 1565 (d) records received by or generated by or for:
- 1566 (i) the Independent Legislative Ethics Commission, except for:
- 1567 (A) the commission's summary data report that is required under legislative rule; and
- 1569 (B) any other document that is classified as public under legislative rule; or
- 1570 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints, unless the record
is classified as public under legislative rule;
- 1572 (e) records received by, or generated by or for, the Independent Executive Branch Ethics Commission,
except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive Branch
Ethics Complaints;
- 1575 (f) records received or generated for a Senate confirmation committee concerning character,
professional competence, or physical or mental health of an individual:
- 1577 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 1579 (A) reasonably could be expected to interfere with the investigation undertaken by the committee; or
- 1581 (B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and
- 1583 (ii) after the meeting, if the meeting was closed to the public;
- 1584 (g) employment records concerning a current or former employee of, or applicant for employment with,
a governmental entity that would disclose that individual's home address, home telephone number,
social security number, insurance coverage, marital status, or payroll deductions;
- 1588 (h) records or parts of records under Section [~~63G-2-303~~] 63A-19-408 that a current or former
employee identifies as private according to the requirements of that section;
- 1590 (i) that part of a record indicating a person's social security number or federal employer identification
number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302,
61-1-4, or 61-2f-203;
- 1593 (j) that part of a voter registration record identifying a voter's:
- 1594 (i) driver license or identification card number;
- 1595 (ii) social security number, or last four digits of the social security number;
- 1596 (iii) email address;
- 1597 (iv) date of birth; or
- 1598 (v) phone number;
- 1599 (k) a voter registration record that is classified as a private record by the lieutenant governor or a county
clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or 20A-2-204(4)(b);

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- 1602 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 1603 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification
submitted in support of the form;
- 1605 (n) a record or information regarding whether a voter returned a ballot with postage attached;
- 1607 (o) a record that:
- 1608 (i) contains information about an individual;
- 1609 (ii) is voluntarily provided by the individual; and
- 1610 (iii) goes into an electronic database that:
- 1611 (A) is designated by and administered under the authority of the [~~Chief Information Officer~~] chief
information officer; and
- 1613 (B) acts as a repository of information about the individual that can be electronically retrieved and used
to facilitate the individual's online interaction with a state agency;
- 1616 (p) information provided to the [~~Commissioner of Insurance~~] commissioner of insurance under:
- 1618 (i) Subsection 31A-23a-115(3)(a);
- 1619 (ii) Subsection 31A-23a-302(4); or
- 1620 (iii) Subsection 31A-26-210(4);
- 1621 (q) information obtained through a criminal background check under Title 11, Chapter 40, Criminal
Background Checks by Political Subdivisions Operating Water Systems;
- 1623 (r) information provided by an offender that is:
- 1624 (i) required by the registration requirements of Title 53, Chapter 29, Sex, Kidnap, and Child Abuse
Offender Registry; and
- 1626 (ii) not required to be made available to the public under Subsection 53-29-404(3)(a);
- 1627 (s) a statement and any supporting documentation filed with the attorney general in accordance with
Section 34-45-107, if the federal law or action supporting the filing involves homeland security;
- 1630 (t) electronic toll collection customer account information received or collected under Section 72-6-118
and customer information described in Section 17B-2a-815 received or collected by a public transit
district, including contact and payment information and customer travel data;
- 1634 (u) an email address provided by a military or overseas voter under Section 20A-16-501;
- 1635 (v) a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16,
Uniform Military and Overseas Voters Act;
- 1637

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(w) records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, except for:

- 1639 (i) the commission's summary data report that is required in Section 63A-15-202; and
1640 (ii) any other document that is classified as public in accordance with Title 63A, Chapter 15, Political
Subdivisions Ethics Review Commission;
- 1642 (x) a record described in Section 53G-9-604 that verifies that a parent was notified of an incident or
threat;
- 1644 (y) a criminal background check or credit history report conducted in accordance with Section
63A-3-201;
- 1646 (z) a record described in Subsection 53-5a-104(7);
- 1647 (aa) on a record maintained by a county for the purpose of administering property taxes, an individual's:
1649 (i) email address;
1650 (ii) phone number; or
1651 (iii) personal financial information related to a person's payment method;
- 1652 (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an exemption, deferral,
abatement, or relief under:
1654 (i) Title 59, Chapter 2, Part 11, Exemptions; or
1655 (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;
- 1656 (cc) a record provided by the State Tax Commission in response to a request under Subsection
59-1-403(4)(y)(iii);
- 1658 (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual child welfare
case, as described in Subsection 36-33-103(3);
- 1660 (ee) a record relating to drug or alcohol testing of a state employee under Section 63A-17-1004;
- 1662 (ff) a record relating to a request by a state elected official or state employee who has been threatened to
the Division of Technology Services to remove personal identifying information from the open web
under Section 63A-16-109;
- 1665 (gg) a record including confidential information as that term is defined in Section 67-27-106; and
1667 (hh) a record or notice received or generated under Title 53, Chapter 30, Security Improvements Act,
relating to:
1669 (i) an application for certification described in Section 53-30-201; or
1670

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- (ii) a security improvement, including a building permit application or building permit for a security improvement described in Section 53-30-301.
- 1672 (2) The following records are private if properly classified by a governmental entity:
- 1673 (a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);
- 1678 (b) records describing an individual's finances, except that the following are public:
- 1679 (i) records described in Subsection 63G-2-301(2);
- 1680 (ii) information provided to the governmental entity for the purpose of complying with a financial assurance requirement; or
- 1682 (iii) records that must be disclosed in accordance with another statute;
- 1683 (c) records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;
- 1685 (d) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;
- 1687 (e) records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it;
- 1691 (f) any portion of a record in the custody of the Division of Aging and Adult Services, created in Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
- 1695 (g) audio and video recordings created by a body-worn camera, as defined in Section 77-7a-103, that record sound or images inside a home or residence except for recordings that:
- 1698 (i) depict the commission of an alleged crime;
- 1699 (ii) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;
- 1701 (iii) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;
- 1703 (iv) contain an officer-involved critical incident as defined in Subsection 76-2-408(1)(f); or
- 1705

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(v) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording.

1707 (3)

(a) As used in this Subsection (3), "medical records" means medical reports, records, statements, history, diagnosis, condition, treatment, and evaluation.

1709 (b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records under Section 63G-2-304 when the records are sought:

1712 (i) in connection with any legal or administrative proceeding in which the patient's physical, mental, or emotional condition is an element of any claim or defense; or

1714 (ii) after a patient's death, in any legal or administrative proceeding in which any party relies upon the condition as an element of the claim or defense.

1716 (c) Medical records are subject to production in a legal or administrative proceeding according to state or federal statutes or rules of procedure and evidence as if the medical records were in the possession of a nongovernmental medical care provider.

1614 Section 27. Section **63G-2-601** is amended to read:

1615 **63G-2-601. Rights of individuals on whom data is maintained -- Classification statement
filed with state archivist -- Notice to provider of information.**

1815 (1)

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

1819 (b) The statement filed under Subsection (1)(a):

1820 (i) shall identify the authority under which the governmental entity collects the records or information included in the statement described in Subsection (1)(a); and

1823 (ii) is a public record.

1824 (2) A governmental entity may only use the information contained in a controlled or private record for:

1826 (a) the purposes described in the statement provided under Subsection (1); or

1827 (b) the purposes for which another governmental entity may use the record under Section 63G-2-206.

1829 [~~2~~]

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

1832 [(b) The notice required under Subsection (2)(a) shall:]

1833 [(i) identify the record series that includes the information described in Subsection (2)(a);]

1835 [(ii) state the reasons the person is asked to furnish the information;]

1836 [(iii) state the intended uses of the information;]

1837 [(iv) state the consequences for refusing to provide the information; and]

1838 [(v) disclose the classes of persons and the governmental entities that currently:]

1839 [(A) share the information with the governmental entity; or]

1840 [(B) receive the information from the governmental entity on a regular or contractual basis.]

1842 [(c) The governmental entity shall:]

1843 [(i) post the notice required under this Subsection (2) in a prominent place at all locations where the governmental entity collects the information; or]

1845 [(ii) include the notice required under this Subsection (2) as part of the documents or forms that are used by the governmental entity to collect the information.]

1847 [(3) Upon request, each governmental entity shall, in relation to the information described in Subsection (2)(a), as applicable, explain to a person:]

1849 [(a) the reasons the person is asked to furnish information;]

1850 [(b) the intended uses of the information;]

1851 [(c) the consequences for refusing to provide the information; and]

1852 [(d) the reasons and circumstances under which the information may be shared with, or provided to, other persons or governmental entities.]

1854 [(4) A governmental entity may use the information that the governmental entity is required to disclose under Subsection (2)(a) only for those purposes:]

1856 [(a) given in the statement filed with the state archivist under Subsection (1); or]

1857 [(b) for which another governmental entity may use the record under Section 63G-2-206.]

1660 Section 28. Section **63G-2-803** is amended to read:

1661 **63G-2-803. No individual liability for certain decisions of a governmental entity.**

1860 (1) Neither the governmental entity, nor any officer or employee of the governmental entity, is liable for damages resulting from the release of a record where the person or government requesting the

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record presented evidence of authority to obtain the record even if it is subsequently determined that the requester had no authority.

1864 (2) Neither the governmental entity, nor any officer or employee of the governmental entity, is liable
for damages arising from the negligent disclosure of records classified as private under Subsection
63G-2-302(1)(g) unless:

1867 (a) the disclosure was of employment records maintained by the governmental entity; or

1868 (b) the current or former government employee had previously filed the notice required by Section
[63G-2-303] 63A-19-408 and:

1870 (i) the government entity did not take reasonable steps to preclude access or distribution of the record;
or

1872 (ii) the release of the record was otherwise willfully or grossly negligent.

1873 (3) A mailing from a government agency to an individual who has filed an application under Section
[63G-2-303] 63A-19-408 is not a wrongful disclosure under this chapter or under Title 63A,
Chapter 12, Division of Archives and Records Service and Management of Government Records.

1679 Section 29. Section **67-1a-15** is amended to read:

1680 **67-1a-15. Local government and limited purpose entity registry.**

1879 (1) As used in this section:

1880 (a) "Entity" means a limited purpose entity or a local government entity.

1881 (b)

(i) "Limited purpose entity" means a legal entity that:

1882 (A) performs a single governmental function or limited governmental functions; and

1884 (B) is not a state executive branch agency, a state legislative office, or within the judicial branch.

1886 (ii) "Limited purpose entity" includes:

1887 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as those terms are
defined in Section 26B-6-101;

1889 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;

1890 (C) community reinvestment agencies, as that term is defined in Section 17C-1-102;

1892 (D) conservation districts, as that term is defined in Section 17D-3-102;

1893 (E) governmental nonprofit corporations, as that term is defined in Section 11-13a-102;

1895 (F) housing authorities, as that term is defined in Section 35A-8-401;

1896

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- (G) independent entities and independent state agencies, as those terms are defined in Section 63E-1-102;
- 1898 (H) interlocal entities, as that term is defined in Section 11-13-103;
- 1899 (I) local building authorities, as that term is defined in Section 17D-2-102;
- 1900 (J) special districts, as that term is defined in Section 17B-1-102;
- 1901 (K) local health departments, as that term is defined in Section 26A-1-102;
- 1902 (L) local mental health authorities, as that term is defined in Section 62A-15-102;
- 1903 (M) nonprofit corporations that receive an amount of money requiring an accounting report under Section 51-2a-201.5;
- 1905 (N) school districts under Title 53G, Chapter 3, School District Creation and Change;
- 1907 (O) special service districts, as that term is defined in Section 17D-1-102; and
- 1908 (P) substance abuse authorities, as that term is defined in Section 62A-15-102.
- 1909 (c) "Local government and limited purpose entity registry" or "registry" means the registry of local government entities and limited purpose entities created under this section.
- 1912 (d) "Local government entity" means:
- 1913 (i) a county, as that term is defined in Section 17-60-101; and
- 1914 (ii) a municipality, as that term is defined in Section 10-1-104.
- 1915 (e) "Notice of failure to register" means the notice the lieutenant governor sends, in accordance with Subsection (7)(a), to an entity that does not register.
- 1917 (f) "Notice of failure to renew" means the notice the lieutenant governor sends to a registered entity, in accordance with Subsection (7)(b).
- 1919 (g) "Notice of noncompliance" means the notice the lieutenant governor sends to a registered entity, in accordance with Subsection (6)(c).
- 1921 (h) "Notice of non-registration" means the notice the lieutenant governor sends to an entity and the state auditor, in accordance with Subsection (9).
- 1923 (i) "Notice of registration or renewal" means the notice the lieutenant governor sends, in accordance with Subsection (6)(b)(i).
- 1925 (j) "Registered entity" means an entity with a valid registration as described in Subsection (8).
- 1927 (2) The lieutenant governor shall:
- 1928 (a) create a registry of each local government entity and limited purpose entity within the state that:
- 1930 (i) contains the information described in Subsection (4); and

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- 1931 (ii) is accessible on the lieutenant governor's website or otherwise publicly available; and
1933 (b) establish fees for registration and renewal, in accordance with Section 63J-1-504, based on and to directly offset the cost of creating, administering, and maintaining the registry.
- 1936 (3) Each local government entity and limited purpose entity shall:
1937 (a) on or before July 1, 2019, register with the lieutenant governor as described in Subsection (4);
1939 (b) on or before one year after the day on which the lieutenant governor issues the notice of registration or renewal, annually renew the entity's registration in accordance with Subsection (5); and
1942 (c) on or before 30 days after the day on which any of the information described in Subsection (4) changes, send notice of the changes to the lieutenant governor.
- 1944 (4) Each entity shall include the following information in the entity's registration submission:
1946 (a) the resolution or other legal or formal document creating the entity or, if the resolution or other legal or formal document creating the entity cannot be located, conclusive proof of the entity's lawful creation;
1949 (b) if the entity has geographic boundaries, a map or plat identifying the current geographic boundaries of the entity, or if it is impossible or unreasonably expensive to create a map or plat, a metes and bounds description, or another legal description that identifies the current boundaries of the entity;
1953 (c) the entity's name;
1954 (d) the entity's type of local government entity or limited purpose entity;
1955 (e) the entity's governmental function;
1956 (f) the entity's website, physical address, and phone number, including the name and contact information of an individual whom the entity designates as the primary contact for the entity;
1959 (g)
(i) names, email addresses, and phone numbers of the members of the entity's governing board or commission, managing officers, or other similar managers and the method by which the members or officers are appointed, elected, or otherwise designated;
- 1963 (ii) the date of the most recent appointment or election of each entity governing board or commission member; and
1965 (iii) the date of the anticipated end of each entity governing board or commission member's term;
1967 (h) the entity's sources of revenue; and
1968 (i) if the entity has created an assessment area, as that term is defined in Section 11-42-102, information regarding the creation, purpose, and boundaries of the assessment area.

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- 1971 (5) Each entity shall include the following information in the entity's renewal submission:
- 1972 (a) identify and update any incorrect or outdated information the entity previously submitted during
registration under Subsection (4); or
- 1974 (b) certify that the information the entity previously submitted during registration under Subsection (4)
is correct without change.
- 1976 (6) Within 30 days of receiving an entity's registration or renewal submission, the lieutenant governor
shall:
- 1978 (a) review the submission to determine compliance with Subsection (4) or (5);
- 1979 (b) if the lieutenant governor determines that the entity's submission complies with Subsection (4) or
(5):
- 1981 (i) send a notice of registration or renewal that includes the information that the entity submitted under
Subsection (4) or (5) to:
- 1983 (A) the registering or renewing entity;
- 1984 (B) each county in which the entity operates, either in whole or in part, or where the entity's geographic
boundaries overlap or are contained within the boundaries of the county;
- 1987 (C) the Division of Archives and Records Service; and
- 1988 (D) the Office of the Utah State Auditor; and
- 1989 (ii) publish the information from the submission on the registry, except any email address or phone
number that is personal information as defined in Section [63G-2-303] 63A-19-408; and
- 1992 (c) if the lieutenant governor determines that the entity's submission does not comply with Subsection
(4) or (5) or is otherwise inaccurate or deficient, send a notice of noncompliance to the registering or
renewing entity that:
- 1995 (i) identifies each deficiency in the entity's submission with the corresponding statutory requirement;
- 1997 (ii) establishes a deadline to cure the entity's noncompliance that is the first business day that is at least
30 calendar days after the day on which the lieutenant governor sends the notice of noncompliance;
and
- 2000 (iii) states that failure to comply by the deadline the lieutenant governor establishes under Subsection
(6)(c)(ii) will result in the lieutenant governor sending a notice of non-registration to the Office of
the Utah State Auditor, in accordance with Subsection (9).
- 2004 (7)

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- (a) If the lieutenant governor identifies an entity that does not make a registration submission in accordance with Subsection (4) by the deadline described in Subsection (3), the lieutenant governor shall send a notice of failure to register to the registered entity that:
- 2008 (i) identifies the statutorily required registration deadline described in Subsection (3) that the entity did not meet;
- 2010 (ii) establishes a deadline to cure the entity's failure to register that is the first business day that is at least 10 calendar days after the day on which the lieutenant governor sends the notice of failure to register; and
- 2013 (iii) states that failure to comply by the deadline the lieutenant governor establishes under Subsection (7)(a)(ii) will result in the lieutenant governor sending a notice of non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).
- 2017 (b) If a registered entity does not make a renewal submission in accordance with Subsection (5) by the deadline described in Subsection (3), the lieutenant governor shall send a notice of failure to renew to the registered entity that:
- 2020 (i) identifies the renewal deadline described in Subsection (3) that the entity did not meet;
- 2022 (ii) establishes a deadline to cure the entity's failure to renew that is the first business day that is at least 30 calendar days after the day on which the lieutenant governor sends the notice of failure to renew; and
- 2025 (iii) states that failure to comply by the deadline the lieutenant governor establishes under Subsection (7)(b)(ii) will result in the lieutenant governor sending a notice of non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).
- 2029 (8) An entity's registration is valid:
- 2030 (a) if the entity makes a registration or renewal submission in accordance with the deadlines described in Subsection (3);
- 2032 (b) during the period the lieutenant governor establishes in the notice of noncompliance or notice of failure to renew during which the entity may cure the identified registration deficiencies; and
- 2035 (c) for one year beginning on the day the lieutenant governor issues the notice of registration or renewal.
- 2037 (9)
- (a) The lieutenant governor shall send a notice of non-registration to the Office of the Utah State Auditor if an entity fails to:

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- 2039 (i) cure the entity's noncompliance by the deadline the lieutenant governor establishes in the notice
of noncompliance;
- 2041 (ii) register by the deadline the lieutenant governor establishes in the notice of failure to register; or
- 2043 (iii) cure the entity's failure to renew by the deadline the lieutenant governor establishes in the
notice of failure to renew.
- 2045 (b) The lieutenant governor shall ensure that the notice of non-registration:
- 2046 (i) includes a copy of the notice of noncompliance, the notice of failure to register, or the notice of
failure to renew; and
- 2048 (ii) requests that the state auditor withhold state allocated funds or the disbursement of property taxes
and prohibit the entity from accessing money held by the state or money held in an account of a
financial institution, in accordance with Subsections 67-3-1(7)(i) and 67-3-1(10).
- 2052 (10) The lieutenant governor may extend a deadline under this section if an entity notifies the lieutenant
governor, before the deadline to be extended, of the existence of an extenuating circumstance that is
outside the control of the entity.
- 2055 (11)
- (a) An entity is not required to renew submission of a registration under this section if an entity
provides a record of dissolution.
- 2057 (b) The lieutenant governor shall include in the registry an entity's record of dissolution and indicate on
the registry that the entity is dissolved.
- 1861 Section 30. Section **67-3-1** is amended to read:
- 1862 **67-3-1. Functions and duties.**
- 2061 (1)
- (a) The state auditor is the auditor of public accounts and is independent of any executive or
administrative officers of the state.
- 2063 (b) The state auditor is not limited in the selection of personnel or in the determination of the reasonable
and necessary expenses of the state auditor's office.
- 2065 (2) The state auditor shall examine and certify annually in respect to each fiscal year, financial
statements showing:
- 2067 (a) the condition of the state's finances;
- 2068 (b) the revenues received or accrued;
- 2069 (c) expenditures paid or accrued;

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- 2070 (d) the amount of unexpended or unencumbered balances of the appropriations to the agencies,
departments, divisions, commissions, and institutions; and
- 2072 (e) the cash balances of the funds in the custody of the state treasurer.
- 2073 (3)
- (a) The state auditor shall:
- 2074 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of any
department of state government or any independent agency or public corporation as the
law requires, as the auditor determines is necessary, or upon request of the governor or the
Legislature;
- 2078 (ii) perform the audits in accordance with generally accepted auditing standards and other auditing
procedures as promulgated by recognized authoritative bodies; and
- 2080 (iii) as the auditor determines is necessary, conduct the audits to determine:
- 2081 (A) honesty and integrity in fiscal affairs;
- 2082 (B) accuracy and reliability of financial statements;
- 2083 (C) effectiveness and adequacy of financial controls; and
- 2084 (D) compliance with the law.
- 2085 (b) If any state entity receives federal funding, the state auditor shall ensure that the audit is performed
in accordance with federal audit requirements.
- 2087 (c)
- (i) The costs of the federal compliance portion of the audit may be paid from an appropriation to the
state auditor from the General Fund.
- 2089 (ii) If an appropriation is not provided, or if the federal government does not specifically provide for
payment of audit costs, the costs of the federal compliance portions of the audit shall be allocated
on the basis of the percentage that each state entity's federal funding bears to the total federal funds
received by the state.
- 2093 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit funds passed
through the state to local governments and to reflect any reduction in audit time obtained through
the use of internal auditors working under the direction of the state auditor.
- 2097 (4)
- (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to financial audits, and as
the auditor determines is necessary, conduct performance and special purpose audits, examinations,

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and reviews of any entity that receives public funds, including a determination of any or all of the following:

- 2101 (i) the honesty and integrity of all the entity's fiscal affairs;
- 2102 (ii) whether the entity's administrators have faithfully complied with legislative intent;
- 2103 (iii) whether the entity's operations have been conducted in an efficient, effective, and cost-efficient manner;
- 2105 (iv) whether the entity's programs have been effective in accomplishing the intended objectives; and
- 2107 (v) whether the entity's management, control, and information systems are adequate, effective, and secure.
- 2109 (b) The auditor may not conduct performance and special purpose audits, examinations, and reviews of any entity that receives public funds if the entity:
- 2111 (i) has an elected auditor; and
- 2112 (ii) has, within the entity's last budget year, had the entity's financial statements or performance formally reviewed by another outside auditor.
- 2114 (5) The state auditor:
- 2115 (a) shall administer any oath or affirmation necessary to the performance of the duties of the auditor's office; and
- 2117 (b) may:
- 2118 (i) subpoena witnesses and documents, whether electronic or otherwise; and
- 2119 (ii) examine into any matter that the auditor considers necessary.
- 2120 (6) The state auditor may require all persons who have had the disposition or management of any property of this state or its political subdivisions to submit statements regarding the property at the time and in the form that the auditor requires.
- 2123 (7) The state auditor shall:
- 2124 (a) except where otherwise provided by law, institute suits in Salt Lake County in relation to the assessment, collection, and payment of revenues against:
- 2126 (i) persons who by any means have become entrusted with public money or property and have failed to pay over or deliver the money or property; and
- 2128 (ii) all debtors of the state;
- 2129 (b) collect and pay into the state treasury all fees received by the state auditor;

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- 2130 (c) perform the duties of a member of all boards of which the state auditor is a member by the constitution or laws of the state, and any other duties that are prescribed by the constitution and by law;
- 2133 (d) stop the payment of the salary of any state official or state employee who:
- 2134 (i) refuses to settle accounts or provide required statements about the custody and disposition of public funds or other state property;
- 2136 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling board or department head with respect to the manner of keeping prescribed accounts or funds; or
- 2139 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the official's or employee's attention;
- 2141 (e) establish accounting systems, methods, and forms for public accounts in all taxing or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;
- 2143 (f) superintend the contractual auditing of all state accounts;
- 2144 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of property taxes from a state or local taxing or fee-assessing unit, if necessary, to ensure that officials and employees in those taxing units comply with state laws and procedures in the budgeting, expenditures, and financial reporting of public funds;
- 2148 (h) subject to Subsection (9), withhold the disbursement of tax money from any county, if necessary, to ensure that officials and employees in the county comply with Section 59-2-303.1; and
- 2151 (i) withhold state allocated funds or the disbursement of property taxes from a local government entity or a limited purpose entity, as those terms are defined in Section 67-1a-15 if the state auditor finds the withholding necessary to ensure that the entity registers and maintains the entity's registration with the lieutenant governor, in accordance with Section 67-1a-15.
- 2156 (8)
- (a) Except as otherwise provided by law, the state auditor may not withhold funds under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received formal written notice of noncompliance from the auditor and has been given 60 days to make the specified corrections.
- 2160 (b) If, after receiving notice under Subsection (8)(a), a state or independent local fee-assessing unit that exclusively assesses fees has not made corrections to comply with state laws and procedures in the budgeting, expenditures, and financial reporting of public funds, the state auditor:
- 2164 (i) shall provide a recommended timeline for corrective actions;

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- 2165 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the state; and
2167 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an account of a
financial institution by filing an action in a court with jurisdiction under Title 78A, Judiciary and
Judicial Administration, requesting an order of the court to prohibit a financial institution from
providing the fee-assessing unit access to an account.
- 2172 (c) The state auditor shall remove a limitation on accessing funds under Subsection (8)(b) upon
compliance with state laws and procedures in the budgeting, expenditures, and financial reporting of
public funds.
- 2175 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with state law, the
state auditor:
- 2177 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to comply;
2179 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the state; and
2181 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an account of a financial
institution by:
- 2183 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that the institution
prohibit access to the account; or
2185 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration,
requesting an order of the court to prohibit a financial institution from providing the taxing or fee-
assessing unit access to an account.
- 2188 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state law, the state
auditor shall eliminate a limitation on accessing funds described in Subsection (8)(d).
- 2191 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has received formal
written notice of noncompliance from the auditor and has been given 60 days to make the specified
corrections.
- 2194 (10)
- (a) The state auditor may not withhold funds under Subsection (7)(i) until the state auditor receives a
notice of non-registration, as that term is defined in Section 67-1a-15.
- 2197 (b) If the state auditor receives a notice of non-registration, the state auditor may prohibit the local
government entity or limited purpose entity, as those terms are defined in Section 67-1a-15, from
accessing:
- 2200 (i) money held by the state; and

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- 2201 (ii) money held in an account of a financial institution by:
- 2202 (A) contacting the entity's financial institution and requesting that the institution prohibit access to the
account; or
- 2204 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration,
requesting an order of the court to prohibit a financial institution from providing the entity access to
an account.
- 2207 (c) The state auditor shall remove the prohibition on accessing funds described in Subsection (10)(b) if
the state auditor received a notice of registration, as that term is defined in Section 67-1a-15, from
the lieutenant governor.
- 2210 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the state auditor:
- 2212 (a) shall authorize a disbursement by a local government entity or limited purpose entity, as those terms
are defined in Section 67-1a-15, or a state or local taxing or fee-assessing unit if the disbursement is
necessary to:
- 2215 (i) avoid a major disruption in the operations of the local government entity, limited purpose entity, or
state or local taxing or fee-assessing unit; or
- 2217 (ii) meet debt service obligations; and
- 2218 (b) may authorize a disbursement by a local government entity, limited purpose entity, or state or local
taxing or fee-assessing unit as the state auditor determines is appropriate.
- 2221 (12)
- (a) The state auditor may seek relief under the Utah Rules of Civil Procedure to take temporary custody
of public funds if an action is necessary to protect public funds from being improperly diverted from
their intended public purpose.
- 2224 (b) If the state auditor seeks relief under Subsection (12)(a):
- 2225 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8); and
- 2227 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if a court orders the
public funds to be protected from improper diversion from their public purpose.
- 2230 (13) The state auditor shall:
- 2231 (a) establish audit guidelines and procedures for audits of local mental health and substance abuse
authorities and their contract providers, conducted pursuant to Title 17, Chapter 77, Local Health
and Human Services, Title 26B, Chapter 5, Health Care - Substance Use and Mental Health, and

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Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act; and

- 2237 (b) ensure that those guidelines and procedures provide assurances to the state that:
- 2238 (i) state and federal funds appropriated to local mental health authorities are used for mental health purposes;
- 2240 (ii) a private provider under an annual or otherwise ongoing contract to provide comprehensive mental health programs or services for a local mental health authority is in compliance with state and local contract requirements and state and federal law;
- 2244 (iii) state and federal funds appropriated to local substance abuse authorities are used for substance abuse programs and services; and
- 2246 (iv) a private provider under an annual or otherwise ongoing contract to provide comprehensive substance abuse programs or services for a local substance abuse authority is in compliance with state and local contract requirements, and state and federal law.
- 2250 (14)
- (a) The state auditor may, in accordance with the auditor's responsibilities for political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or investigations of any political subdivision that are necessary to determine honesty and integrity in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of financial controls and compliance with the law.
- 2257 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor may initiate an audit or investigation of the public entity subject to the notice to determine compliance with Section 11-41-103.
- 2261 (15)
- (a) The state auditor may not audit work that the state auditor performed before becoming state auditor.
- 2263 (b) If the state auditor has previously been a responsible official in state government whose work has not yet been audited, the Legislature shall:
- 2265 (i) designate how that work shall be audited; and
- 2266 (ii) provide additional funding for those audits, if necessary.
- 2267 (16) The state auditor shall:

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- 2268 (a) with the assistance, advice, and recommendations of an advisory committee appointed by the state auditor from among special district boards of trustees, officers, and employees and special service district boards, officers, and employees:
- 2271 (i) prepare a Uniform Accounting Manual for Special Districts that:
- 2272 (A) prescribes a uniform system of accounting and uniform budgeting and reporting procedures for special districts under Title 17B, Limited Purpose Local Government Entities - Special Districts, and special service districts under Title 17D, Chapter 1, Special Service District Act;
- 2276 (B) conforms with generally accepted accounting principles; and
- 2277 (C) prescribes reasonable exceptions and modifications for smaller districts to the uniform system of accounting, budgeting, and reporting;
- 2279 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to reflect generally accepted accounting principles;
- 2281 (iii) conduct a continuing review and modification of procedures in order to improve them;
- 2283 (iv) prepare and supply each district with suitable budget and reporting forms; and
- 2284 (v)
- (A) prepare instructional materials, conduct training programs, and render other services considered necessary to assist special districts and special service districts in implementing the uniform accounting, budgeting, and reporting procedures; and
- 2288 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with Title 63G, Chapter 22, State Training and Certification Requirements; and
- 2290 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices and experiences of specific special districts and special service districts selected by the state auditor and make the information available to all districts.
- 2293 (17)
- (a) The following records in the custody or control of the state auditor are protected records under Title 63G, Chapter 2, Government Records Access and Management Act:
- 2296 (i) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a past or present governmental employee if the information or allegation cannot be corroborated by the state auditor through other documents or evidence, and the records relating to the allegation are not relied upon by the state auditor in preparing a final audit report;

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- 2302 (ii) records and audit workpapers to the extent the workpapers would disclose the identity of an individual who during the course of an audit, communicated the existence of any waste of public funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the individual be protected;
- 2309 (iii) before an audit is completed and the final audit report is released, records or drafts circulated to an individual who is not an employee or head of a governmental entity for the individual's response or information;
- 2312 (iv) records that would disclose an outline or part of any audit survey plans or audit program; and
- 2314 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 2315 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure of records or information that relate to a violation of the law by a governmental entity or employee to a government prosecutor or peace officer.
- 2318 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to the state auditor to classify a document as public, private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act.
- 2321 (d)
- (i) As used in this Subsection (17)(d), "record dispute" means a dispute between the state auditor and the subject of an audit performed by the state auditor as to whether the state auditor may release a record, as defined in Section 63G-2-103, to the public that the state auditor gained access to in the course of the state auditor's audit but which the subject of the audit claims is not subject to disclosure under Title 63G, Chapter 2, Government Records Access and Management Act.
- 2327 (ii) The state auditor may submit a record dispute to the director of the Government Records Office, created in Section 63A-12-202, for a determination of whether the state auditor may, in conjunction with the state auditor's release of an audit report, release to the public the record that is the subject of the record dispute.
- 2331 (iii) The state auditor or the subject of the audit may seek judicial review of the director's determination, described in Subsection (17)(d)(ii), as provided in Section 63G-2-404.
- 2334 (18) If the state auditor conducts an audit of an entity that the state auditor has previously audited and finds that the entity has not implemented a recommendation made by the state auditor in a

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previous audit, the state auditor shall notify the Legislative Management Committee through the Legislative Management Committee's Audit Subcommittee that the entity has not implemented that recommendation.

2339 [~~(19)~~ The state auditor shall, with the advice and consent of the Senate, appoint the state privacy auditor
described in Section 67-3-13.]

2341 [~~(20)~~ (19) Except as provided in Subsection [~~(21)~~] (20), the state auditor shall report, or ensure that
another government entity reports, on the financial, operational, and performance metrics for the
state system of higher education and the state system of public education, including metrics in
relation to students, programs, and schools within those systems.

2346 [~~(21)~~] (20)

(a) Notwithstanding Subsection [~~(20)~~] (19), the state auditor shall conduct regular audits of:

2348 (i) the scholarship granting organization for the Carson Smith Opportunity Scholarship Program,
created in Section 53E-7-402;

2350 (ii) the State Board of Education for the Carson Smith Scholarship Program, created in Section
53F-4-302; and

2352 (iii) the scholarship program manager for the Utah Fits All Scholarship Program, created in
Section 53F-6-402, including an analysis of the cost effectiveness of the program, taking into
consideration the amount of the scholarship and the amount of state and local funds dedicated
on a per-student basis within the traditional public education system.

2357 (b) Nothing in this subsection limits or impairs the authority of the State Board of Education to
administer the programs described in Subsection [~~(21)(a)~~] (20)(a).

2359 [~~(22)~~] (21) The state auditor shall, based on the information posted by the Office of Legislative
Research and General Counsel under Subsection 36-12-12.1(2), for each policy, track and post the
following information on the state auditor's website:

2362 (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);

2363 (b) an indication regarding whether the policy is timely adopted, adopted late, or not adopted;

2365 (c) an indication regarding whether the policy complies with the requirements established by law for the
policy; and

2367 (d) a link to the policy.

2368 [~~(23)~~] (22)

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- (a) A legislator may request that the state auditor conduct an inquiry to determine whether a government entity, government official, or government employee has complied with a legal obligation directly imposed, by statute, on the government entity, government official, or government employee.
- 2372 (b) The state auditor may, upon receiving a request under Subsection [~~(23)(a)~~] (22)(a), conduct the inquiry requested.
- 2374 (c) If the state auditor conducts the inquiry described in Subsection [~~(23)(b)~~] (22)(b), the state auditor shall post the results of the inquiry on the state auditor's website.
- 2376 (d) The state auditor may limit the inquiry described in this Subsection [~~(23)~~] (22) to a simple determination, without conducting an audit, regarding whether the obligation was fulfilled.
- 2379 [~~(24)~~] (23) The state auditor shall:
- 2380 (a) ensure compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in accordance with Section 63G-31-401; and
- 2382 (b) report to the Legislative Management Committee, upon request, regarding the state auditor's actions under this Subsection [~~(24)~~] (23).
- 2384 [~~(25)~~] (24) The state auditor shall report compliance with Sections 67-27-107, 67-27-108, and 67-27-109 by:
- 2386 (a) establishing a process to receive and audit each alleged violation; and
- 2387 (b) reporting to the Legislative Management Committee, upon request, regarding the state auditor's findings and recommendations under this Subsection [~~(25)~~] (24).
- 2389 [~~(26)~~] (25) The state auditor shall ensure compliance with Section 63G-1-704 regarding the display of flags in or on government property.
- 2391 [~~(27)~~] (26)
- (a) On or before January 31 each year, the state auditor shall prepare a report that states, for each entity that holds public funds as defined in Section 51-7-3, the entity's total balance, as of the last day of the immediately preceding fiscal year, of cash, cash equivalents, and investments, as those terms are defined under the standards established by the Governmental Accounting Standards Board.
- 2396 (b) The state auditor shall make the report described in Subsection [~~(27)(a)~~] (26)(a) publicly available on a website that the state auditor maintains.
- 2200 (27) The state auditor may audit the privacy practices of governmental entities.
- 2201 Section 31. Section 67-3-13 is amended to read:

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- 2202 **67-3-13. State auditor data privacy responsibilities.**
- 2203 (1) As used in this section:
- 2204 (a) "Governmental entity" means the same as that term is defined in Section 63G-2-103.
- 2205 (b) "Personal data" means the same as that term is defined in Section 63A-19-101.
- 2206 (c) "Privacy practice" means the same as that term is defined in Section 63A-19-101.
- 2207 (d) "State agency" means the same as that term is defined in Section 63A-19-101.
- 2208 [~~(e) "State privacy auditor" means the individual appointed as state privacy auditor by the state auditor~~
 ~~under Section 67-3-1.~~]
- 2210 (2) The state [~~privacy~~]auditor shall:
- 2211 (a) compile information about the privacy practices of governmental entities;
- 2212 (b) make public and maintain information about the privacy practices of governmental entities on the
 state auditor's website;
- 2214 (c) provide governmental entities with guidance and training regarding the data privacy auditing
 standards developed by the state [~~privacy~~]auditor;
- 2216 (d) implement a process to analyze and respond to requests from individuals for the state [~~privacy~~
]auditor to audit a governmental entity's privacy practice;
- 2218 (e) identify annually which governmental entities' privacy practices pose the greatest risk to individual
 privacy and prioritize those privacy practices to be audited;
- 2220 (f) audit each year, in as timely a manner as possible, the privacy practices that the state [~~privacy~~
]auditor identifies under Subsection (2)(d) or (2)(e) as posing the greatest risk to individuals'
 privacy;
- 2223 (g) when auditing a governmental entity's privacy practice under Subsection (2)(f), analyze:
- 2225 (i) details about the technology or the policy and the technology's or the policy's application;
- 2227 (ii) information about the type of personal data being used;
- 2228 (iii) information about how the personal data is obtained, stored, shared, secured, and disposed;
- 2230 (iv) information about the governmental entity's sharing or selling of personal data;
- 2231 (v) information about whether an individual can or should be able to opt out of the retention, selling,
 and sharing of the individual's personal data;
- 2233 (vi) information about how the governmental entity de-identifies or anonymizes personal data;
- 2235 (vii) a determination about the existence of alternative technology or improved practices to protect
 privacy; and

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- 2237 (viii) a finding of whether the governmental entity's current privacy practices adequately protect individual privacy; and
- 2239 (h) after completing an audit described in Subsections (2)(f) and (g), determine:
- 2240 (i) each governmental entity's use of personal data, including the governmental entity's privacy practices regarding personal data:
- 2242 (A) acquisition;
- 2243 (B) storage;
- 2244 (C) disposal;
- 2245 (D) protection; and
- 2246 (E) sharing;
- 2247 (ii) the adequacy of the governmental entity's practices in each of the areas described in Subsection (2)(h)(i); and
- 2249 (iii) for each of the areas described in Subsection (2)(h)(i) that the state ~~privacy~~ auditor determines to require reform, provide recommendations for reform to the governmental entity and the legislative body charged with regulating the governmental entity.
- 2253 (3)
- (a) The legislative body charged with regulating a governmental entity that receives a recommendation described in Subsection (2)(h)(iii) shall hold a public hearing on the proposed reforms:
- 2256 (i) with a quorum of the legislative body present; and
- 2257 (ii) within 90 days after the day on which the legislative body receives the recommendation.
- 2259 (b)
- (i) The legislative body shall provide notice of the hearing described in Subsection (3)(a).
- 2261 (ii) Notice of the public hearing and the recommendations to be discussed shall be posted for the jurisdiction of the governmental entity, as a class A notice under Section 63G-30-102, for at least 30 days before the day on which the legislative body will hold the public hearing.
- 2265 (iii) Each notice required under Subsection (3)(b)(i) shall:
- 2266 (A) identify the recommendations to be discussed; and
- 2267 (B) state the date, time, and location of the public hearing.
- 2268 (c) During the hearing described in Subsection (3)(a), the legislative body shall:
- 2269 (i) provide the public the opportunity to ask questions and obtain further information about the recommendations; and

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- 2271 (ii) provide any interested person an opportunity to address the legislative body with concerns about the
recommendations.
- 2273 (d) At the conclusion of the hearing, the legislative body shall determine whether the legislative body
shall adopt reforms to address the recommendations and any concerns raised during the public
hearing.
- 2276 (4) Subsection (3) does not apply to:
- 2277 (a) a state agency;
- 2278 (b) the legislative branch;
- 2279 (c) the judicial branch;
- 2280 (d) an executive branch agency within the Office of the Attorney General, the state auditor, the state
treasurer, or the State Board of Education; or
- 2282 (e) an independent entity.
- 2283 (5) The state [~~privacy~~]auditor shall:
- 2284 (a) quarterly report, to the Utah Privacy Commission:
- 2285 (i) recommendations for privacy practices for the commission to review; and
- 2286 (ii) the information provided in Subsection (2)(h); and
- 2287 (b) annually, on or before October 1, report to the Judiciary Interim Committee:
- 2288 (i) the results of any audits described in Subsection (2)(f), if any audits have been completed;
- 2290 (ii) reforms, to the extent that the state [~~privacy~~]auditor is aware of any reforms, that the governmental
entity made in response to any audits described in Subsection (2)(f);
- 2293 (iii) the information described in Subsection (2)(h); and
- 2294 (iv) recommendations for legislation based on any results of an audit described in Subsection (2)(f).

2296 Section 32. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

Section 34. **Repealer.**

This Bill Repeals:

2400 Section **67-3-13, State privacy auditor.**

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