

1

Data Privacy Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: David Shallenberger
Senate Sponsor:

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 ▶ requires governmental entities to obtain authorization from their elected legislative body
11 before implementing high-risk surveillance activities;

- 12 ▶ requires approved surveillance activities to be included in annual reports;
- 13 ▶ restructures the Utah Privacy Commission to include representatives from state agencies,
14 cities, counties, public education, and higher education;

- 15 ▶ transfers support of the Utah Privacy Commission from the state auditor's office to the
16 Office of Data Privacy;

- 17 ▶ authorizes the commission to establish participation requirements for commission
18 members;

- 19 ▶ authorizes the Office of Data Privacy to provide recommendations and guidance;
- 20 ▶ authorizes the Office of Data Privacy to partner with state institutions of higher education
21 for research and support functions;

- 22 ▶ establishes the data privacy ombudsman as a component of the Office of Data Privacy;
- 23 ▶ removes duplicative provisions from the Government Records Access and Management
24 Act;

- 25 ▶ expands amendment and correction procedures to cover information beyond personal
26 data; and

- 27 ▶ makes technical and conforming changes.

28

Money Appropriated in this Bill:

29 None

30

Other Special Clauses:

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **20A-11-1604**, as last amended by Laws of Utah 2025, Chapters 90, 448

35 **53-18-102**, as last amended by Laws of Utah 2022, Chapter 367

36 **63A-19-101**, as last amended by Laws of Utah 2025, Chapter 475

37 **63A-19-202**, as enacted by Laws of Utah 2024, Chapter 417

38 **63A-19-203**, as renumbered and amended by Laws of Utah 2025, Chapter 475

39 **63A-19-204**, as renumbered and amended by Laws of Utah 2025, Chapter 475

40 **63A-19-301**, as last amended by Laws of Utah 2025, Chapter 475

41 **63A-19-302**, as enacted by Laws of Utah 2024, Chapter 417

42 **63A-19-401**, as last amended by Laws of Utah 2025, Chapter 475

43 **63A-19-401.1**, as enacted by Laws of Utah 2025, Chapter 475

44 **63A-19-401.2**, as enacted by Laws of Utah 2025, Chapter 475

45 **63A-19-401.3**, as enacted by Laws of Utah 2025, Chapter 475

46 **63A-19-403**, as enacted by Laws of Utah 2024, Chapter 417

47 **63A-19-405**, as last amended by Laws of Utah 2025, Chapter 475

48 **63A-19-406**, as last amended by Laws of Utah 2025, Chapter 475

49 **63A-19-501**, as last amended by Laws of Utah 2025, Chapter 475

50 **63G-2-201**, as last amended by Laws of Utah 2025, Chapters 299, 476

51 **63G-2-301**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

52 **63G-2-302**, as last amended by Laws of Utah 2025, Chapter 172

53 **63G-2-601**, as last amended by Laws of Utah 2025, Chapter 475

54 **63G-2-803**, as last amended by Laws of Utah 2013, Chapter 426

55 **67-1a-15**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

56 ENACTS:

57 **63A-19-407**, Utah Code Annotated 1953

58 RENUMBERS AND AMENDS:

59 **63A-19-408**, (Renumbered from 63G-2-303, as last amended by Laws of Utah 2025, Chapter 208)

61

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

63 Section 1. Section **20A-11-1604** is amended to read:

64 **20A-11-1604 . Failure to disclose conflict of interest -- Failure to comply with**

65 **reporting requirements.**

66 (1)(a) Before or during the execution of any order, settlement, declaration, contract, or
67 any other official act of office in which a state constitutional officer has actual
68 knowledge that the state constitutional officer has a conflict of interest that is not
69 stated in the conflict of interest disclosure, the state constitutional officer shall
70 publicly declare that the state constitutional officer may have a conflict of interest
71 and what that conflict of interest is.

72 (b) Before or during any vote on legislation or any legislative matter in which a
73 legislator has actual knowledge that the legislator has a conflict of interest that is not
74 stated in the conflict of interest disclosure, the legislator shall orally declare to the
75 committee or body before which the matter is pending that the legislator may have a
76 conflict of interest and what that conflict is.

77 (c) Before or during any vote on any rule, resolution, order, or any other board matter in
78 which a member of the State Board of Education has actual knowledge that the
79 member has a conflict of interest that is not stated in the conflict of interest
80 disclosure, the member shall orally declare to the board that the member may have a
81 conflict of interest and what that conflict of interest is.

82 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall
83 be noted:
84 (a) on the official record of the action taken, for a state constitutional officer;
85 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
86 applicable, for a legislator; or
87 (c) in the minutes of the meeting or on the official record of the action taken, for a
88 member of the State Board of Education.

89 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the
90 website:
91 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
92 (ii) if the state constitutional officer takes office after January 10, within 10 calendar
93 days after the day on which the state constitutional officer takes office; and
94 (b) each time the state constitutional officer changes employment.

95 (4) A legislator shall make a complete conflict of interest disclosure on the website:
96 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
97 (ii) if the legislator takes office after January 10, within 10 calendar days after the
98 day on which the legislator takes office; and

99 (b) each time the legislator changes employment.

100 (5) A member of the State Board of Education shall make a complete conflict of interest
101 disclosure on the website:

102 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
103 (ii) if the member takes office after January 10, within 10 calendar days after the day
104 on which the member takes office; and

105 (b) each time the member changes employment.

106 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:

107 (a) the regulated officeholder's name;

108 (b) subject to Subsection (7):

109 (i) the name and address of each of the regulated officeholder's current employers and
110 each of the regulated officeholder's employers during the preceding year; and

111 (ii) for each employer described in this Subsection (6)(b), a brief description of the
112 employment, including the regulated officeholder's occupation and, as applicable,
113 job title;

114 (c) for each entity in which the regulated officeholder is an owner or officer, or was an
115 owner or officer during the preceding year:

116 (i) the name of the entity;

117 (ii) a brief description of the type of business or activity conducted by the entity; and

118 (iii) the regulated officeholder's position in the entity;

119 (d) in accordance with Subsection (8), for each individual from whom, or entity from
120 which, the regulated officeholder has received \$5,000 or more in income during the
121 preceding year:

122 (i) the name of the individual or entity; and

123 (ii) a brief description of the type of business or activity conducted by the individual
124 or entity;

125 (e) for each entity in which the regulated officeholder holds any stocks or bonds having
126 a fair market value of \$5,000 or more as of the date of the disclosure form or during
127 the preceding year, but excluding funds that are managed by a third party, including
128 blind trusts, managed investment accounts, and mutual funds:

129 (i) the name of the entity; and

130 (ii) a brief description of the type of business or activity conducted by the entity;

131 (f) for each entity not listed in Subsections (6)(c) through (e) in which the regulated
132 officeholder currently serves, or served in the preceding year, in a paid leadership

133 capacity or in a paid or unpaid position on a board of directors:

134 (i) the name of the entity or organization;

135 (ii) a brief description of the type of business or activity conducted by the entity; and

136 (iii) the type of position held by the regulated officeholder;

137 (g) at the option of the regulated officeholder, a description of any real property in which

138 the regulated officeholder holds an ownership or other financial interest that the

139 regulated officeholder believes may constitute a conflict of interest, including a

140 description of the type of interest held by the regulated officeholder in the property;

141 (h) subject to Subsection (7):

142 (i) the name of the regulated officeholder's spouse; and

143 (ii) the name of each of the regulated officeholder's spouse's current employers and

144 each of the regulated officeholder's spouse's employers during the preceding year,

145 if the regulated officeholder believes the employment may constitute a conflict of

146 interest;

147 (i) the name of any adult residing in the regulated officeholder's household who is not

148 related to the officeholder by blood;

149 (j) for each adult described in Subsection (6)(i), a brief description of the adult's

150 employment or occupation, if the regulated officeholder believes the adult's presence

151 in the regulated officeholder's household may constitute a conflict of interest;

152 (k) at the option of the regulated officeholder, a description of any other matter or

153 interest that the regulated officeholder believes may constitute a conflict of interest;

154 (l) the date the form was completed;

155 (m) a statement that the regulated officeholder believes that the form is true and accurate

156 to the best of the regulated officeholder's knowledge; and

157 (n) the signature of the regulated officeholder.

158 (7)(a) In making the disclosure described in Subsection (6)(b) or (h), if a regulated

159 officeholder or regulated officeholder's spouse is an at-risk government employee, as

160 that term is defined in [Subseetion] Section [63G-2-303(1)(a)] 63A-19-408, the

161 regulated officeholder may request the filing officer to redact from the conflict of

162 interest disclosure:

163 (i) the regulated officeholder's employment information under Subsection (6)(b); and

164 (ii) the regulated officeholder's spouse's name and employment information under

165 Subsection (6)(h).

166 (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.

- (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 to provide the information described in Subsection (6)(d) in relation to the regulated officeholder's individual customers or clients.
- (9) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter.
- (10) A regulated officeholder may amend a conflict of interest disclosure described in this part at any time.
- (11) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor.
- (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.
 - (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).

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

53-18-102 . Definitions.

As used in this chapter:

- (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:
 - (a) filter, screen, allow, or disallow content;
 - (b) pick, choose, analyze, or digest content; or
 - (c) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.
- (2) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- (3) "Dispatcher" means the same as that term is defined in Section 53-6-102.
- (4) "Immediate family member" means a public safety employee's spouse, child, parent, or grandparent who resides with the public safety employee.
- (5) "Interactive computer service" means the same as that term is defined in Subsection 47

201 U.S.C. 230(f).

202 (6) "Law enforcement officer" or "officer":

203 (a) means the same as that term is defined in Section 53-13-103;

204 (b) includes correctional officers as defined in Section 53-13-104; and

205 (c) refers only to officers who are currently employed by, retired from, or were killed in
206 the line of duty while in the employ of a state or local governmental law enforcement
207 agency.

208 (7)(a) "Personal information" means a public safety employee's or a public safety

209 employee's immediate family member's home address, home telephone number,

210 personal mobile telephone number, personal pager number, personal email address,

211 or personal photograph, directions to locate the public safety employee's home, or

212 photographs of the public safety employee's or the public safety employee's

213 immediate family member's home or vehicle.

214 (b) "Personal information" includes a record or a part of a record that:

215 (i) a public safety employee who qualifies as an at-risk government employee under
216 Section ~~63G-2-303~~ 63A-19-408 requests to be classified as private under
217 Subsection 63G-2-302(1)(h); and

218 (ii) is classified as private under Title 63G, Chapter 2, Government Records Access
219 and Management Act.

220 (8) "Public safety employee" means:

221 (a) a law enforcement officer;

222 (b) a dispatcher; or

223 (c) a current or retired employee or contractor of:

224 (i) a law enforcement agency; or

225 (ii) a correctional facility.

226 (9) "Publicly post" or "publicly display" means to intentionally communicate or otherwise
227 make available to the general public.

228 Section 3. Section **63A-19-101** is amended to read:

229 **63A-19-101 . Definitions.**

230 As used in this chapter:

231 (1) "Anonymized data" means information that has been irreversibly modified so that there
232 is no possibility of using the information, alone or in combination with other
233 information, to identify an individual.

234 (2) "At-risk government employee" means the same as that term is defined in Section [

235 63G-2-303] 63A-19-408.

236 (3) "Automated decision making" means using personal data to make a decision about an
237 individual through automated processing, without human review or intervention.

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

239 (5) "Chief administrative officer" means the same as that term is defined in Section
240 63A-12-100.5.

241 (6) "Chief privacy officer" means the individual appointed under Section 63A-19-302.

242 (7) "Commission" means the Utah Privacy Commission established in Section 63A-19-203.

243 (8) "Contract" means an agreement between a governmental entity and a person for goods
244 or services that involve personal data.

245 (9)(a) "Contractor" means a person who:

246 (i) has entered into a contract with a governmental entity; and

247 (ii) may process personal data under the contract.

248 (b) "Contractor" includes a contractor's employees, agents, or subcontractors.

249 (10) "Cyber Center" means the Utah Cyber Center created in Section 63A-16-1102.

250 [(11) "Data breach" means the unauthorized access, acquisition, disclosure, loss of access,
251 or destruction of personal data held by a governmental entity, unless the governmental
252 entity concludes, according to standards established by the Cyber Center, that there is a
253 low probability that personal data has been compromised.]

254 [(12)] (11) "Data privacy complaint" means a complaint or concern raised by an individual
255 regarding:

256 (a) an alleged infringement on the individual's data privacy interests described in
257 Subsection 63A-19-102(1); or

258 (b) a governmental entity's data privacy practices described in Part 4, Duties of
259 Governmental Entities.

260 (12) "De-identified data" means information from which personal data has been removed or
261 obscured so that the information is not readily identifiable to a specific individual, and
262 which may not be re-identified.

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

264 [(14)]

265 (14) "Governing board" means the Utah Privacy Governing Board established in Section
266 63A-19-201.

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

268 (16) "Government website" means a set of related web pages that is operated by or on

269 behalf of a governmental entity and is:

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

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

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

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

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

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

278 (iv) risks of unauthorized access or use.

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

280 (i) facial recognition technology;

281 (ii) automated decision making;

282 (iii) profiling;

283 (iv) scoring;

284 (v) license plate readers;

285 (vi) genetic data;

286 [(vii)] (vii) biometric data; or

287 [(viii)] (viii) specific geolocation data.

288 (18) "Independent entity" means the same as that term is defined in Section 63E-1-102.

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

290 (20) "Legal guardian" means:

291 (a) the parent of a minor; or

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

295 (21) "License plate reader" means a computerized system of:

296 (a) automated high-speed cameras used to capture license plate data; and

297 (b) optical character recognition software that converts the license plate data into
298 computer-readable data.

299 [(21)] (22) "Office" means the Utah Office of Data Privacy created in Section 63A-19-301.

300 [(22)] (23) "Ombudsperson" means the data privacy ombudsperson appointed under Section
301 63A-19-501.

302 [(23)] (24) "Person" means the same as that term is defined in Section 63G-2-103.

303 [({24})] (25) "Personal data" means information that is linked or can be reasonably linked to
304 an identified individual or an identifiable individual.

305 (26) "Predictive analytics" means the processing of personal data using statistical
306 algorithms or machine learning techniques to identify the likelihood of future outcomes
307 based on historical data.

308 [({25})] (27) "Privacy annotation" means a summary of personal data contained in a record
309 series as described in Section 63A-19-401.1.

310 [({26})] (28) "Privacy practice" means a governmental entity's:
311 (a) organizational, technical, administrative, and physical safeguards designed to protect
312 an individual's personal data;
313 (b) policies and procedures related to the acquisition, use, storage, sharing, retention,
314 and disposal of personal data; and
315 (c) practice of providing notice to an individual regarding the individual's privacy rights.

316 [({27})] (29) "Process," "processing," or "processing activity" means any operation or set of
317 operations performed on personal data, including collection, recording, organization,
318 structuring, storage, adaptation, alteration, access, retrieval, consultation, use, disclosure
319 by transmission, transfer, dissemination, alignment, combination, restriction, erasure, or
320 destruction.

321 [({28})] (30) "Profiling" means any form of automated processing performed on personal data
322 to evaluate, analyze, or predict an identified or identifiable individual's economic
323 situation, health, personal preferences, interests, reliability, behavior, location, or
324 movements. [means the processing of personal data to evaluate or predict an individual's:]

325 [(a) economic situation;]

326 [(b) health;]

327 [(c) personal preferences;]

328 [(d) interests;]

329 [(e) reliability;]

330 [(f) behavior;]

331 [(g) location; or]

332 [(h) movements].

333 [({29})] (31) "Purchase" or "purchasing" means the exchange of monetary consideration to
334 obtain or access the personal data of an individual who is not a party to the transaction.

335 [({30})] (32) "Record" means the same as that term is defined in Section 63G-2-103.

336 [({31})] (33) "Record series" means the same as that term is defined in Section 63G-2-103.

337 [({32})] (34) "Retention schedule" means a governmental entity's schedule for the retention or
338 disposal of records that has been approved by the Records Management Committee
339 pursuant to Section 63A-12-113.

340 (35) "Scoring" means the processing of personal data to generate a score, rating, or
341 assessment about an individual's characteristics, behavior, or predicted future actions.

342 (36) "Security incident" means the attempted or successful unauthorized access, use,
343 disclosure, modification, or destruction of information, or interference with system
344 operations in the information system used by a governmental entity.

345 [({33})] (37)(a) "Sell" means an exchange of personal data for monetary consideration by a
346 governmental entity to a third party.

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

348 (i) charged by a governmental entity for access to a record pursuant to Section
349 63G-2-203; or
350 (ii) assessed in accordance with an approved fee schedule.

351 (38) "Specific geolocation data" means the same as that term is defined in Section
352 13-61-101.

353 [({34})] (39)(a) "State agency" means the following entities that are under the direct
354 supervision and control of the governor or the lieutenant governor:

355 (i) a department;
356 (ii) a commission;
357 (iii) a board;
358 (iv) a council;
359 (v) an institution;
360 (vi) an officer;
361 (vii) a corporation;
362 (viii) a fund;
363 (ix) a division;
364 (x) an office;
365 (xi) a committee;
366 (xii) an authority;
367 (xiii) a laboratory;
368 (xiv) a library;
369 (xv) a bureau;
370 (xvi) a panel;

371 (xvii) another administrative unit of the state; or
372 (xviii) an agent of an entity described in Subsections [(34)(a)(i)] (39)(a)(i) through
373 (xvii).

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

375 (i) the legislative branch;

376 (ii) the judicial branch;

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

379 (iv) an independent entity.

380 [(35)] (40) "State privacy auditor" means the same as that term is defined in Section 67-3-13.

381 [(36)] (41) "Synthetic data" means artificial data that:

382 (a) is generated from personal data; and

383 (b) models the statistical properties of the original personal data.

384 [(37)] (42) "User" means an individual who accesses a government website.

385 [(38)] (43)(a) "User data" means any information about a user that is automatically
386 collected by a government website when a user accesses the government website.

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

388 (i) a user as having requested or obtained specific materials or services from a
389 government website;

390 (ii) Internet sites visited by a user;

391 (iii) the contents of a user's data-storage device;

392 (iv) any identifying code linked to a user of a government website; and

393 (v) a user's:

394 (A) IP or Mac address; or

395 (B) session ID.

396 [(39)] (44) "Website tracking technology" means any tool used by a government website to:

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

398 (b) collect user data.

399 Section 4. Section **63A-19-202** is amended to read:

400 **Part 2. Utah Privacy Governing Board and Utah Privacy Commission**

401 **63A-19-202 . Governing board duties.**

402 (1) The governing board shall:

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

404 [(b) by July 1 of each year, approve the data privacy agenda items for the commission

405 and make recommendations for additional items for the data privacy agenda;]
406 [(e)] (b) hear issues raised by the ombudsperson regarding existing governmental entity
407 privacy practices;
408 [(d)] (c) evaluate and recommend the appropriate:
409 (i) structure and placement for the office within state government; and
410 (ii) authority to be granted to the office, including any authority to make rules; and
411 [(e)] (d) recommend funding mechanisms and strategies for governmental entities to
412 enable compliance with data privacy responsibilities, including:
413 (i) appropriations;
414 (ii) rates;
415 (iii) grants; and
416 (iv) internal service funds.

417 (2) In fulfilling the duties under this part, the governing board may receive and request
418 input from:
419 (a) governmental entities;
420 (b) elected officials;
421 (c) subject matter experts; and
422 (d) other stakeholders.

423 Section 5. Section **63A-19-203** is amended to read:

424 **63A-19-203 . Utah Privacy Commission created.**

425 (1) There is created the Utah Privacy Commission.

426 (2)(a) The commission shall be composed of [12] no more than 14 members.

427 (b) The governor shall appoint:

428 (i) one member who, at the time of appointment provides internet technology services
429 for a county;
430 (ii) one member with experience in cybersecurity;
431 (iii) one member representing private industry in technology;
432 (iv) one member representing law enforcement;[-and]
433 (v) one member with experience in data privacy law[.]; and
434 (vi) one member representing higher education institutions.

435 (c) The State Board of Education shall appoint one member representing public
436 education entities.

437 [(e)] (d) The state auditor shall appoint:

438 (i) one member with experience in internet technology services;

439 (ii) one member with experience in cybersecurity;
440 (iii) one member representing private industry in technology;
441 (iv) one member with experience in data privacy law; and
442 (v) one member representing municipalities[who, at the time of appointment, has
443 expertise in civil liberties law, the ethical use of data, or the impacts of the use of
444 a technology on different populations.] .

445 [(d)] (e) The attorney general shall appoint:

446 (i) one member with experience as a prosecutor or appellate attorney and with
447 experience in data privacy or civil liberties law; and
448 (ii) one member representing law enforcement.

449 (3)(a) Except as provided in Subsection (3)(b), a member is appointed for a term of four
450 years.

451 (b) The initial appointments of members described in Subsections [(2)(b)(i) through
452 (b)(iii), (2)(c)(iv) through (c)(v), and (2)(d)(ii)] (2)(b)(i) through (iii), (2)(d)(iv) and
453 (v), and (2)(e)(ii) shall be for two-year terms.

454 (c) When the term of a current member expires, a member shall be reappointed or a new
455 member shall be appointed in accordance with Subsection (2).

456 (4)(a) When a vacancy occurs in the membership for any reason, a replacement shall be
457 appointed in accordance with Subsection (2) for the unexpired term.

458 (b) A member whose term has expired may continue to serve until a replacement is
459 appointed.

460 (5) The commission shall select officers from the commission's members as the
461 commission finds necessary.

462 (6)(a) A majority of the members of the commission is a quorum.

463 (b) The action of a majority of a quorum constitutes an action of the commission.

464 (7) A member may not receive compensation or benefits for the member's service but may
465 receive per diem and travel expenses incurred as a member of the commission at the
466 rates established by the Division of Finance under:

467 (a) Sections 63A-3-106 and 63A-3-107; and

468 (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
469 63A-3-107.

470 (8) A member shall refrain from participating in a review of:

471 (a) an entity of which the member is an employee; or

472 (b) a technology in which the member has a financial interest.

473 (9) The [state auditor] office shall provide staff and support to the commission.

474 (10) The commission shall meet up to 12 times a year to accomplish the duties described in

475 Section 63A-19-204.

476 (11)(a) The commission shall, in accordance with Title 63G, Chapter 3, Utah

477 Administrative Rulemaking Act, make rules establishing participation requirements

478 for commission members.

479 (b) A commission member who fails to meet the participation requirements established

480 under Subsection (11)(a) may be removed by the official who appointed the member

481 in accordance with Subsection (2).

482 Section 6. Section **63A-19-204** is amended to read:

483 **63A-19-204 . Commission duties.**

484 (1) The commission shall:

485 [(a) annually develop a data privacy agenda that identifies for the upcoming year:]

486 [(i) governmental entity privacy practices to be reviewed by the commission;]

487 [(ii) educational and training materials that the commission intends to develop;]

488 [(iii) any other items related to data privacy the commission intends to study; and]

489 [(iv) best practices and guiding principles that the commission plans to develop

490 related to government privacy practices;]

491 [(b)] (a) develop guiding standards and best practices with respect to government privacy

492 practices;

493 [(e)] (b) develop educational and training materials that include information about:

494 (i) the privacy implications and civil liberties concerns of the privacy practices of

495 government entities;

496 (ii) best practices for government collection and retention policies regarding personal

497 data; and

498 (iii) best practices for government personal data security standards; and

499 [(d)] (c) review the privacy implications and civil liberties concerns of government

500 privacy practices[; and] .

501 [(e)] (e) provide the data privacy agenda to the governing board by May 1 of each year.]

502 (2) The commission may[; in addition to the approved items in the data privacy agenda

503 prepared under Subsection (1)(a)]:

504 (a) review specific government privacy practices[as referred to the commission by the

505 chief privacy officer described in Section 63A-19-302 or the state privacy auditor

506 described in Section 67-3-13];

507 [({b}) review a privacy practice not accounted for in the data privacy agenda only upon
508 referral by the chief privacy officer or the state privacy auditor in accordance with
509 this section;]
510 [({e}) (b) review and provide recommendations regarding consent mechanisms used by
511 governmental entities to collect personal [information] data;
512 [({d}) (c) develop and provide recommendations to the Legislature on how to balance
513 transparency and public access of public records against an individual's reasonable
514 expectations of privacy and data protection;[-and]
515 [({e}) (d) develop recommendations for legislation regarding the guiding standards and
516 best practices the commission has developed in accordance with Subsection (1)(a)[.];
517 (e) endorse any policy, practice, or report of the office; and
518 (f) consult with the office in the performance of the commission's duties listed in
519 Subsection (1).

520 (3) At least annually, on or before October 1, the commission shall report to the Judiciary
521 Interim Committee:
522 (a) the results of any reviews the commission has conducted;
523 (b) the guiding standards and best practices described in Subsection (1)(b); and
524 (c) any recommendations for legislation the commission has developed in accordance
525 with Subsection (2)(e).

526 (4)(a) Upon request by the governing board, a member of the commission shall give an
527 update on the work of the commission at any governing board meeting.
528 (b) The governing board may at any time instruct the commission to review and report
529 upon any privacy developments related to governmental privacy within the scope of
530 the commission's duties.

531 [({4}) At least annually, on or before June 1, the commission shall report to the governing
532 board regarding:]
533 [({a}) governmental entity privacy practices the commission plans to review in the next
534 year;]
535 [({b}) any educational and training programs the commission intends to develop in relation
536 to government data privacy best practices;]
537 [({c}) results of the commission's data privacy practice reviews from the previous year; and]
538 [({d}) recommendations from the commission related to data privacy legislation,
539 standards, or best practices;]
540 [({5}) The data privacy agenda detailed in Subsection (1)(a) does not add to or expand the

541 authority of the commission.]

542 Section 7. Section **63A-19-301** is amended to read:

543 **63A-19-301 . Utah Office of Data Privacy.**

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

545 (2) The office shall coordinate with the governing board and the commission to perform the

546 duties in this section.

547 (3) The office shall:

548 (a) create and maintain a data privacy framework designed to:

549 (i) assist governmental entities to identify and implement effective and efficient data

550 privacy practices, tools, and systems that:

551 (A) protect the privacy of personal data;

552 (B) comply with data privacy laws and regulations specific to the governmental

553 entity, program, or data;

554 (C) empower individuals to protect and control their personal data; and

555 (D) enable information use and sharing among governmental entities, as allowed

556 by law; and

557 (ii) account for differences in a governmental entity's resources, capabilities,

558 populations served, data types, and maturity level regarding data privacy practices;

559 (b) review statutory provisions related to governmental data privacy and records

560 management to:

561 (i) identify conflicts and gaps in data privacy law; and

562 (ii) standardize language;

563 (c) work with governmental entities to study, research, and identify:

564 (i) additional data privacy practices that are feasible for governmental entities;

565 (ii) potential remedies and accountability mechanisms for non-compliance of a

566 governmental entity;

567 (iii) ways to expand an individual's control over the individual's personal data

568 processed by a governmental entity;

569 (iv) resources needed to develop, implement, and improve data privacy programs; and

570 (v) best practices regarding:

571 (A) automated decision making;

572 (B) the creation and use of synthetic, de-identified, or anonymized data; and

573 (C) the use of website tracking technology;

574 (d) monitor high-risk data processing activities within governmental entities;

575 (e) coordinate with the Cyber Center to develop an incident response plan for data
576 breaches affecting governmental entities;

577 (f) coordinate with the state archivist to:
578 (i) incorporate data privacy practices into records management; and
579 (ii) include data privacy content in the trainings described in Section 63A-12-110; and
580 (g) create [a-]data privacy training [program] and awareness materials for employees of
581 governmental entities[as described in Section 63A-19-401.3].

582 (4) The office may:
583 (a) provide expertise and assistance to governmental entities for high-risk data
584 processing activities;
585 (b) create assessment tools and resources that a governmental entity may use to:
586 (i) review, evaluate, and mature the governmental entity's privacy program, practices,
587 and processing activities; and
588 (ii) evaluate the privacy impact, privacy risk, and privacy compliance of the
589 governmental entity's privacy program, practices, and processing activities;
590 (c) charge a governmental entity a service fee, established in accordance with Section
591 63J-1-504, for providing services that enable a governmental entity to perform the
592 governmental entity's duties under Section 63A-19-401, if the governmental entity
593 requests the office provide those services;
594 (d) bill a state agency, as provided in Section 63J-1-410, for any services the office
595 provides to a state agency;
596 (e) provide funding to assist a governmental entity in complying with:
597 (i) this chapter; and
598 (ii) Title 63G, Chapter 2, Part 3, Classification, and Title 63G, Chapter 2, Part 6,
599 Collection of Information and Accuracy of Records;
600 (f) advise the governing board about widespread or systemic data privacy matters or
601 violations;
602 (g) work with the Division of Purchasing and General Services to develop cooperative
603 contracts that support governmental entities' data privacy compliance;
604 (h) make available to governmental entities privacy compliance assessment tools for use
605 by governmental entities to assess the governmental entity's reasonable compliance
606 of processing activities described in this chapter;
607 (i) upon request of a governmental entity or on the office's own initiative, issue guidance
608 or recommendations regarding:

609 (i) interpretation of this chapter;
610 (ii) compliance with this chapter; and
611 (iii) best practices for data privacy and data governance;
612 (j) contract with an institute, component, or department at a state institution of higher
613 education to:
614 (i) conduct research and prepare reports regarding data privacy and data governance;
615 (ii) provide support to the commission;
616 (iii) hold data governance summits and educational programs;
617 (iv) develop systems and tools to support data privacy and data governance; and
618 (v) provide other services in support of the office's duties under this chapter;
619 (k) create data governance models that may be used by governmental entities; and
620 [(f)] (l) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
621 Rulemaking Act, to administer this [part] chapter.

622 (5)(a) Upon application by a governmental entity, the office may[:]
623 [(i)] grant, for a limited period of time, a governmental entity with an:
624 [(A)] (i) extension of time to comply with certain requirements of Part 4, Duties of
625 Governmental Entities; or
626 [(B)] (ii) exemption from complying with certain requirements of Part 4, Duties of
627 Governmental Entities[; or] .
628 [(ii)] allow a governmental entity to establish a data privacy training program for the
629 governmental entity's employees to complete, instead of the data privacy training
630 program established by the office under Section 63A-19-401.3, if the
631 governmental entity's data privacy training program contains the same information
632 contained in the office's data privacy training program.]

633 (b) On the office's own initiative, the office may issue an extension of time to comply
634 with certain requirements of Part 4, Duties of Governmental Entities, to a category or
635 group of governmental entities.

636 (c) An extension issued under Subsection (5)(b) shall:
637 (i) identify the specific duty for which the extension is granted and the section that
638 imposes the duty; and
639 (ii) specify the category or group of governmental entities to which the extension
640 applies.

641 (d) An application for an extension or exemption submitted under Subsection [(5)(a)(i)]
642 (5)(a) shall:

643 (i) identify the specific duty from which the governmental entity seeks an extension
644 or exemption and the section that imposes that duty; and
645 (ii) include a justification for the requested extension or exemption.
646 [e] (e) If the office grants an exemption under Subsection (5)(a), the office shall report
647 at the next board meeting:
648 (i) the name of the governmental entity that received an exemption; and
649 (ii) the nature of the exemption.
650 [d] (f) The office shall notify the state privacy auditor of any approved extensions or
651 exemptions.

652 Section 8. Section **63A-19-302** is amended to read:

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

654 (1) The governor shall, with the advice and consent of the Senate, appoint a chief privacy
655 officer.
656 (2) The chief privacy officer is the director of the office.
657 (3) The chief privacy officer:
658 (a) shall exercise all powers given to and perform all duties imposed on the office;
659 (b) has administrative authority over the office;
660 (c) may make changes in office personnel and service functions under the chief privacy
661 officer's administrative authority;
662 (d) may authorize a designee to assist with the chief privacy officer's responsibilities; and
663 (e) shall report annually, on or before [October 1] June 30, to the [Judiciary Interim
664 Committee] Government Operations Interim Committee regarding:
665 (i) recommendations for legislation to address data privacy concerns; and
666 (ii) reports received from state agencies regarding the sale or sharing of personal data
667 provided under Subsection [63A-19-401(2)(f)(ii).] 63A-19-401.3(1).

668 Section 9. Section **63A-19-401** is amended to read:

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

670 (1)(a) Except as provided in Subsections (1)(b) and (c), a governmental entity shall
671 comply with the requirements of this part.
672 (b) If any provision in this part conflicts with any other provisions of law, the more
673 specific or more restrictive [law] provision shall control.
674 (c) A governmental entity that is exempt under Section 63G-2-702, 63G-2-703, or
675 63G-2-704 from complying with the requirements in Title 63G, Chapter 2, Part 6,
676 Collection of Information and Accuracy of Records, is exempt from complying with

677 the requirements in this chapter.

678 (2)(a) A governmental entity shall:

679 (i) initiate a data privacy program before December 31, 2025;

680 (ii) obtain and process only the minimum amount of personal data reasonably
681 necessary to efficiently achieve a specified purpose;

682 (iii) meet the requirements of this part for all new processing activities implemented
683 by a governmental entity; and

684 (iv) for any processing activity implemented before May 7, 2025, as soon as is
685 reasonably practicable, but no later than July 1, 2027:

686 (A) identify any non-compliant processing activity;

687 ~~[(B) document the non-compliant processing activity;]~~

688 ~~[(C)] (B)~~ prepare a strategy for bringing the non-compliant processing activity into
689 compliance with this part; and

690 ~~[(D)] (C)~~ include the information described in Subsections (2)(a)(iv)(A) ~~[through~~
691 ~~(E)] and (B)~~ in the privacy program report described in Section 63A-19-401.3.

692 (b) A governmental entity that fulfills the reporting requirement under Section
693 63A-19-401.3 satisfies the requirement to initiate a privacy program under
694 Subsection (2)(a)(i).

695 (c) A governmental entity may supplement a report filed under this Subsection (2).

696 (3) A governmental entity may not:

697 (a) establish, maintain, or use undisclosed or covert surveillance of individuals unless
698 permitted by law;

699 (b) sell personal data unless expressly required by law; and

700 (c) share personal data unless permitted by law.

701 Section 10. Section **63A-19-401.1** is amended to read:

702 **63A-19-401.1 . Privacy annotations.**

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

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

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

710 (a) does not contain personal data, the privacy annotation shall be limited to a statement

711 indicating that the record series does not include personal data; or
712 (b) contains personal data, the privacy annotation shall include:
713 (i) an inventory of all types of personal data included in the record series;
714 (ii) a description of all purposes for which the state agency collects, keeps, or uses the
715 personal data;
716 (iii) a citation to the state agency's legal authority for collecting, keeping, or using the
717 personal data; and
718 (iv) any other information required by the rules created by the office under Section
719 63A-19-301.

720 Section 11. Section **63A-19-401.2** is amended to read:

721 **63A-19-401.2 . Training requirements.**

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

724 [(a) designed to provide instruction regarding:]

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

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

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

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

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

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

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

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

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

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

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

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

740 (a) data privacy best practices, obligations, and responsibilities;

741 (b) the relationship between privacy, records management, and security;

742 (c) the privacy interests and requirements of this chapter; and

743 (d) the privacy interests and requirements of Title 63G, Chapter 2, Government Records
744 Access and Management Act.

745 (2) An employee of a governmental entity shall complete the data privacy training
746 described in Subsection (1) if the employee:
747 (a) has access to personal data as part of the employee's assigned duties; or
748 (b) supervises an employee who has access to personal data.
749 (3) The training described in Subsection (1) shall be completed:
750 (a) within 30 days after the day on which the employee begins employment with a
751 governmental entity; and
752 (b) at least once in each calendar year.
753 (4) A governmental entity shall:
754 (a) ensure that each employee described in Subsection (2) completes a data privacy
755 training that meets the requirements described in Subsection (1); and
756 (b) report the percentage of the governmental entity's employees required to complete
757 the data privacy training under this section that have completed the training as part of
758 the privacy program report described in Section 63A-19-401.3.

759 Section 12. Section **63A-19-401.3** is amended to read:

760 **63A-19-401.3 . Privacy program report.**

761 (1) On or before December 31 of each year, the chief administrative officer of each
762 governmental entity shall prepare a report that includes:
763 (a) [whether] how the governmental entity has initiated [a] the governmental entity's
764 privacy program;
765 (b) a description of:
766 (i) any privacy practices [implemented by the governmental entity] that comprise the
767 governmental entity's privacy program;
768 (ii) strategies for improving and maturing the governmental entity's privacy program
769 and practices; and
770 (iii) the governmental entity's high-risk processing activities;
771 (c) a list of the types of personal data the governmental entity currently shares, sells, or
772 purchases;
773 (d) the legal basis for sharing, selling, or purchasing personal data;
774 (e) the category of individuals or entities:
775 (i) with whom the governmental entity shares personal data;
776 (ii) to whom the governmental entity sells personal data; or
777 (iii) from whom the governmental entity purchases personal data;
778 (f) [the percentage of the governmental entity's employees that have fulfilled the data

779 privacy training requirements described in Section 63A-19-401.2] the percentage of
780 the governmental entity's employees required to complete the data privacy training
781 under Section 63A-19-401.2 that have completed the training; and
782 (g) a description of any non-compliant processing activities identified under Subsection
783 63A-19-401(2)(a)(iv) and the governmental entity's strategy for bringing those
784 activities into compliance with this part.
785 (2) The report described in Subsection (1) shall be:
786 (a) [shall be] considered a protected record under Section 63G-2-305;[and]
787 (b) [may be made available at the request of the office.] submitted to the office on or
788 before December 31 each year; and
789 (c) retained for no less than five years.

790 Section 13. Section **63A-19-403** is amended to read:

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

791 (1) A governmental entity that collects personal data shall provide a procedure by which an
792 individual or legal guardian of an individual may request an amendment or correction of:
793 (a) personal data that has been furnished to the governmental entity[.] ; and
794 (b) other information concerning the individual contained in a record maintained by the
795 governmental entity.
796 (2) The procedure by which an individual or legal guardian of an individual may request an
797 amendment or correction shall comply with all applicable laws and regulations to which
798 the personal data or other information at issue and to which the governmental entity is
799 subject.
800 (3) The procedure to request an amendment or correction described in this section does not
801 obligate the governmental entity to make the requested amendment or correction.

802 Section 14. Section **63A-19-405** is amended to read:

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

804 (1) As used in this section, "data breach" means the unauthorized access, acquisition,
805 disclosure, loss of access, or destruction of:
806 (a) personal data affecting 500 or more individuals; or
807 (b) data that compromises the security, confidentiality, availability, or integrity of the
808 computer systems used or information maintained by a governmental entity.
809 (2)(a) A governmental entity that identifies a security incident shall:
810 (i) determine whether the security incident constitutes a data breach; and

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

(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:

(i) the attorney general; and

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

[~~(b)~~] (c) 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.

[(2)] (3) The notification under Subsection [(1)] (2) shall:

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

(b) include the following information:

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

(ii) the date the data breach was discovered:

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

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

(v) the person who perpetrated the data breach;

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

(vii) any other details requested by the Cyber Center

[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)] (2)(b):

(a) the total number of individuals affected by the data breach, including the total number of UK individuals affected, and

3) $\text{d}t = \text{d}x - 1.1t \text{d}x - 1.1t \text{d}t = 1$

¶ (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.

847 (4) as is available and supplement the notification with additional information as soon as
848 the information becomes available.

849 [(5)(a) ~~A governmental entity that experiences a data breach affecting fewer than 500~~
850 ~~individuals shall create an internal incident report containing the information in~~
851 ~~Subsektion (2)(b) as soon as practicable and shall provide additional information as~~
852 ~~the information becomes available.]~~

853 [(b) ~~A governmental entity shall provide to the Cyber Center:~~]

854 [(i) ~~an internal incident report described in Subsektion (5)(a) upon request of the~~
855 ~~Cyber Center; and]~~

856 [(ii) ~~an annual report logging all of the governmental entity's data breach incidents~~
857 ~~affecting fewer than 500 individuals.]~~

858 Section 15. Section **63A-19-406** is amended to read:

859 **63A-19-406 . Data breach notice to individuals affected by data breach.**

860 (1) As used in this section, "data breach" means the unauthorized access, acquisition,
861 disclosure, loss of access, or destruction of personal data held by a governmental entity,
862 unless the governmental entity concludes that there is a low probability that personal
863 data has been compromised.

864 [(1)] (2)(a) Except as provided in Subsection [(1)(b),] (2)(b), a governmental entity shall [
865 provide] cause a data breach notice to be sent to an individual or legal guardian of an
866 individual affected by the data breach:

867 (i) after determining the scope of the data breach;
868 (ii) after restoring the reasonable integrity of the affected system, if necessary; and
869 (iii) without unreasonable delay except as provided in Subsection [(2).] (3).

870 (b) A governmental entity or the governmental entity's contractor is not required to
871 provide a data breach notice to an affected individual as described in Subsection [
872 (1)(a)] (2)(a) if the:

873 (i) personal data involved in the data breach would be classified as a public record
874 under Section 63G-2-301; and
875 (ii) the governmental entity prominently posts notice of the data breach on the
876 homepage of the governmental entity's government website.

877 [(2)] (3) A governmental entity or the governmental entity's contractor shall delay providing
878 notification under Subsection [(1)] (2) at the request of a law enforcement agency that
879 determines that notification may impede a criminal investigation, until [such time as] the
880 law enforcement agency informs the governmental entity that notification will no longer

881 impede the criminal investigation.

882 [§3] (4) The data breach notice to an affected individual shall include:

883 (a) a description of the data breach;

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

885 (c) steps the governmental entity is taking or has taken to mitigate the impact of the data
886 breach; and

887 (d) recommendations to the individual on how to protect [themselves] the individual
888 from identity theft and other financial losses[; and].

889 [§4] (5) Unless the governmental entity reasonably believes that providing notification

890 would pose a threat to the safety of an individual, or unless an individual has designated
891 to the governmental entity a preferred method of communication, a governmental entity
892 or the governmental entity's contractor shall provide notice by:

893 (a)(i) email, if reasonably available and allowed by law; or

894 (ii) mail; and

895 (b) one of the following methods, if the individual's contact information is reasonably
896 available and the method is allowed by law:

897 (i) text message with a summary of the data breach notice and instructions for
898 accessing the full notice; or

899 (ii) telephone message with a summary of the data breach notice and instructions for
900 accessing the full data breach notice.

901 [§5] (6) A governmental entity shall also provide a data breach notice in a manner that is
902 reasonably calculated to have the best chance of being received by the affected
903 individual or the legal guardian of an individual, such as through a press release, posting
904 on appropriate social media accounts, or publishing notice in a newspaper of general
905 circulation when:

906 (a) a data breach affects more than 500 individuals; and

907 (b) a governmental entity is unable to obtain an individual's contact information to
908 provide notice for any method listed in Subsection [§4] (5).

909 Section 16. Section **63A-19-407** is enacted to read:

910 **63A-19-407 . Truth in surveillance.**

911 (1) As used in this section:

912 (a) "Cell site simulator" means a device that mimics a cell tower to force cellular devices
913 to connect to the device, allowing the device to intercept communications or track the

location of cellular devices.

- (b) "Facial recognition system" means a technology that uses biometric data to identify or verify an individual's identity by analyzing facial features.
- (c) "Persistent aerial surveillance" means the continuous or extended monitoring of an area for individuals or vehicles using an unmanned aircraft system or other aerial platform.

(2) Before implementing a facial recognition system, an unmanned aircraft system for persistent aerial surveillance, a license plate reader, or a cell site simulator, a governmental entity that is not a state agency shall:

- (a) obtain authorization from the governmental entity's legislative body through action taken in an open public meeting under Title 52, Chapter 4, Open and Public Meetings Act; and
- (b) provide in the public meeting described in Subsection (2)(a):
 - (i) a description of the technology to be implemented;
 - (ii) a description of the data to be collected through the technology;
 - (iii) a description and acknowledgment of the risks associated with the technology; and
 - (iv) a description of how the technology will be governed and overseen.

(3) A governmental entity that implements a technology described in Subsection (2) in accordance with this section shall:

- (a) include the technology in the governmental entity's annual report required under Section 63A-19-401.3; and
- (b) annually review and acknowledge to the legislative body the continued use of the technology.

(4) A governmental entity that has implemented a technology described in Subsection (2) before May 6, 2026, shall:

(a) on or before November 30, 2026, report to the governmental entity's legislative body:

- (i) a description of each technology in use;
- (ii) a description of the data collected through each technology;
- (iii) an acknowledgment of the risks associated with each technology; and
- (iv) a description of how each technology is governed and overseen; and

(b) obtain authorization from the governmental entity's legislative body in accordance with Subsection (2) on or before May 6, 2027, to continue using the technology.

949 (a) study the best manner of disclosure for state agencies that implement a technology
950 described in Subsection (2); and

951 (b) prepare recommendations that would appropriately allow for public notice of the
952 implementation of a technology described in Subsection (2) by a state agency.

953 Section 17. Section **63A-19-408**, which is renumbered from Section 63G-2-303 is renumbered
954 and amended to read:

955 **[63G-2-303] 63A-19-408 . Private information concerning certain government**
956 **employees.**

957 (1) As used in this section:

958 (a) "At-risk government employee" means a current or former:

- 959 (i) peace officer as specified in Section 53-13-102;
- 960 (ii) state or federal judge of an appellate, district, justice, or juvenile court, or court
961 commissioner;
- 962 (iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;
- 963 (iv) judge authorized by Armed Forces, Title 10, United States Code;
- 964 (v) federal prosecutor;
- 965 (vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;
- 966 (vii) law enforcement official as defined in Section 53-5a-311;
- 967 (viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or
- 968 (ix) state or local government employee who, because of the unique nature of the
969 employee's regular work assignments or because of one or more recent credible
970 threats directed to or against the employee, would be at immediate and substantial
971 risk of physical harm if the employee's personal information is disclosed.

972 (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an
973 at-risk government employee who is living with the employee.

974 (c) "Personal information" means the employee's or the employee's family member's
975 home address, home telephone number, personal mobile telephone number, personal
976 pager number, personal email address, social security number, insurance coverage,
977 marital status, or payroll deductions.

978 (2)(a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may
979 file a written application that:

- 980 (i) gives notice of the employee's status as an at-risk government employee to each
981 agency of a government entity holding a record or a part of a record that would
982 disclose the employee's personal information; and

- (ii) requests that the government agency classify those records or parts of records as private.
- (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.
- (c) Each government agency shall develop a form that:
 - (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;
 - (ii) affirmatively requests that the government entity holding those records classify them as private;
 - (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
 - (iv) contains a place for the signature required under Subsection (2)(d).
- (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. A county recorder, county treasurer, county auditor, or a county tax assessor may fully satisfy the requirements of this section by:
 - (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
 - (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.

1017 (d) as it relates to the employee's voter registration record:

1018 (i) the person to whom the record or part of the record is released is a qualified

1019 person under Subsection 20A-2-104(4)(n); and

1020 (ii) the government agency's release of the record or part of the record complies with

1021 the requirements of Subsection 20A-2-104(4)(o).

1022 (5)(a) If the government agency holding the private record receives a subpoena for the

1023 records, the government agency shall attempt to notify the at-risk government

1024 employee or former employee by mailing a copy of the subpoena to the employee's

1025 last-known mailing address together with a request that the employee either:

1026 (i) authorize release of the record; or

1027 (ii) within 10 days of the date that the copy and request are mailed, deliver to the

1028 government agency holding the private record a copy of a motion to quash filed

1029 with the court who issued the subpoena.

1030 (b) The government agency shall comply with the subpoena if the government agency

1031 has:

1032 (i) received permission from the at-risk government employee or former employee to

1033 comply with the subpoena;

1034 (ii) not received a copy of a motion to quash within 10 days of the date that the copy

1035 of the subpoena was mailed; or

1036 (iii) received a court order requiring release of the records.

1037 (6)(a) Except as provided in Subsection (6)(b), a form submitted under this section

1038 remains in effect until the earlier of:

1039 (i) four years after the date the employee signs the form, whether or not the

1040 employee's employment terminates before the end of the four-year period; and

1041 (ii) one year after the government agency receives official notice of the death of the

1042 employee.

1043 (b) A form submitted under this section may be rescinded at any time by:

1044 (i) the at-risk government employee who submitted the form; or

1045 (ii) if the at-risk government employee is deceased, a member of the employee's

1046 immediate family.

1047 Section 18. Section **63A-19-501** is amended to read:

1048 **63A-19-501 . Data privacy ombudsperson.**

1049 (1) [The governor shall appoint a data privacy ombudsperson with the advice of the

1050 governing board.] There is created within the office the position of data privacy

1051 ombudsperson.

1052 (2) The governor shall appoint the ombudsperson with the advice of the governing board.

1053 [~~(2)~~] (3) The ombudsperson shall:

1054 (a) be an attorney in good standing and authorized to practice law in this state;

1055 (b) be familiar with the provisions of:

1056 (i) this chapter;

1057 (ii) Chapter 12, Division of Archives and Records Service and Management of
1058 Government Records; and

1059 (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and

1060 [~~(b)~~] (c) serve as a resource for:

1061 (i) an individual who is making [~~or responding to a complaint about a governmental~~
1062 entity's data privacy practice] a data privacy complaint; and

1063 (ii) a governmental entity [~~which~~] that is the subject of a data privacy complaint.

1064 [~~(3)~~] (4) The ombudsperson may[~~,~~ :

1065 (a)(i) upon request by a governmental entity or individual, mediate [data privacy
1066 disputes between individuals and governmental entities] a dispute between the
1067 governmental entity and the individual regarding the individual's data privacy
1068 complaint; and

1069 (ii) upon resolution of a data privacy complaint described in Subsection (4)(a)(i), post
1070 on the office's website a brief summary of the data privacy complaint and the
1071 resolution of the matter; and

1072 (b) provide data privacy education and training in accordance with Subsection
1073 63A-19-301(3)(h).

1074 (5) The ombudsperson may not:

1075 (a) mediate a dispute between a governmental entity and an individual if the individual's
1076 data privacy complaint is within the authority of:

1077 (i) the Government Records Office created in Section 63A-12-202;

1078 (ii) the government records ombudsman established in Section 63A-12-204; or

1079 (iii) the state privacy auditor created in Section 67-3-13;

1080 (b) expand the scope of a mediation beyond the individual's data privacy complaint;

1081 (c) testify, or be compelled to testify, regarding a matter for which the ombudsperson
1082 provides services under this section; or

1083 (d) conduct an audit of a governmental entity's privacy practices.

1084 [~~(4)~~] (6) After consultation with the chief privacy officer, the ombudsperson may raise [

1085 ~~issues]~~ matters and questions [before] to the governing board[regarding serious and
1086 ~~repeated violations of data privaey from:]~~ .

1087 ~~[(a) a specific governmental entity; or]~~

1088 ~~[(b) widespread governmental entity data privaey practices.]~~

1089 ~~[(5) When a data privacy complaint has been resolved, the ombudsperson shall post on the~~
1090 ~~office's website a summary of the complaint and the resolution of the matter.]~~

1091 Section 19. Section **63G-2-201** is amended to read:

1092 **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,**
1093 **protected, and other restricted records -- Disclosure and nondisclosure of records --**
1094 **Certified copy of record -- Limits on obligation to respond to record request.**

1095 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public
1096 record free of charge, and the right to take a copy of a public record during normal
1097 working hours, subject to Sections 63G-2-203 and 63G-2-204.

1098 (b) A right under Subsection (1)(a) does not apply with respect to a record:

1099 (i) a copy of which the governmental entity has already provided to the person;

1100 (ii) that is the subject of a records request that the governmental entity is not required
1101 to fill under Subsection (7)(a)(v); or

1102 (iii)(A) that is accessible only by a computer or other electronic device owned or
1103 controlled by the governmental entity;

1104 (B) that is part of an electronic file that also contains a record that is private,
1105 controlled, or protected; and

1106 (C) that the governmental entity cannot readily segregate from the part of the
1107 electronic file that contains a private, controlled, or protected record.

1108 (2) A record is public unless otherwise expressly provided by statute.

1109 (3) The following records are not public:

1110 (a) a record that is private, controlled, or protected under Sections 63G-2-302, [
1111 ~~63G-2-303]~~ 63A-19-408, 63G-2-304, and 63G-2-305; and

1112 (b) a record to which access is restricted pursuant to court rule, another state statute,
1113 federal statute, or federal regulation, including records for which access is governed
1114 or restricted as a condition of participation in a state or federal program or for
1115 receiving state or federal funds.

1116 (4) Only a record specified in Section 63G-2-302, [~~63G-2-303]~~ 63A-19-408, 63G-2-304, or
1117 63G-2-305 may be classified private, controlled, or protected.

1118 (5)(a) A governmental entity may not disclose a record that is private, controlled, or

1119 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),
1120 Section 63G-2-202, 63G-2-206, or [63G-2-303] 63A-19-408.

1121 (b) A governmental entity may disclose a record that is private under Subsection
1122 63G-2-302(2) or protected under Section 63G-2-305 to persons other than those
1123 specified in Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or
1124 a designee, determines that:

1125 (i) there is no interest in restricting access to the record; or
1126 (ii) the interests favoring access are greater than or equal to the interest favoring
1127 restriction of access.

1128 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may
1129 disclose a record that is protected under Subsection 63G-2-305(51) if:

1130 (i) the head of the governmental entity, or a designee, determines that the disclosure:

1131 (A) is mutually beneficial to:
1132 (I) the subject of the record;
1133 (II) the governmental entity; and
1134 (III) the public; and

1135 (B) serves a public purpose related to:
1136 (I) public safety; or
1137 (II) consumer protection; and

1138 (ii) the person who receives the record from the governmental entity agrees not to use
1139 or allow the use of the record for advertising or solicitation purposes.

1140 (6) A governmental entity shall provide a person with a certified copy of a record if:

1141 (a) the person requesting the record has a right to inspect it;
1142 (b) the person identifies the record with reasonable specificity; and
1143 (c) the person pays the lawful fees.

1144 (7)(a) In response to a request, a governmental entity is not required to:

1145 (i) create a record;
1146 (ii) compile, format, manipulate, package, summarize, or tailor information;
1147 (iii) provide a record in a particular format, medium, or program not currently
1148 maintained by the governmental entity;
1149 (iv) fulfill a person's records request if the request unreasonably duplicates prior
1150 records requests from that person;
1151 (v) fill a person's records request if:
1152 (A) the record requested is:

- (I) publicly accessible online; or
- (II) included in a public publication or product produced by the governmental entity receiving the request; and

(B) the governmental entity:

- (I) specifies to the person requesting the record where the record is accessible online; or
- (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

(vi) fulfill a person's records request if:

- (A) the person has been determined under Section 63G-2-209 to be a vexatious requester;
- (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
- (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.

) A governmental entity shall conduct a reasonable search for a requested record. 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.

) 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.

) 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.

Notwithstanding any other provision of this chapter, and subject to Subsection (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.

) Subsection (9)(a) does not apply to:

1187 (i) the first five record requests submitted to the governmental entity by or in behalf
1188 of an individual described in Subsection (9)(a) during any calendar year
1189 requesting only a record that contains a specific reference to the individual; or
1190 (ii) a record request that is submitted by an attorney of an individual described in
1191 Subsection (9)(a).

1192 (10)(a) A governmental entity may allow a person requesting more than 50 pages of
1193 records to copy the records if:

1194 (i) the records are contained in files that do not contain records that are exempt from
1195 disclosure, or the records may be segregated to remove private, protected, or
1196 controlled information from disclosure; and
1197 (ii) the governmental entity provides reasonable safeguards to protect the public from
1198 the potential for loss of a public record.

1199 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:

1200 (i) provide the requester with the facilities for copying the requested records and
1201 require that the requester make the copies; or
1202 (ii) allow the requester to provide the requester's own copying facilities and personnel
1203 to make the copies at the governmental entity's offices and waive the fees for
1204 copying the records.

1205 (11)(a) A governmental entity that owns an intellectual property right and that offers the
1206 intellectual property right for sale or license may control by ordinance or policy the
1207 duplication and distribution of the material based on terms the governmental entity
1208 considers to be in the public interest.

1209 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections
1210 granted to the governmental entity under federal copyright or patent law as a result of
1211 its ownership of the intellectual property right.

1212 (12) A governmental entity may not use the physical form, electronic or otherwise, in
1213 which a record is stored to deny, or unreasonably hinder the rights of a person to inspect
1214 and receive a copy of a record under this chapter.

1215 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide
1216 access to an electronic copy of a record in lieu of providing access to its paper
1217 equivalent if:

1218 (a) the person making the request requests or states a preference for an electronic copy;
1219 (b) the governmental entity currently maintains the record in an electronic format that is
1220 reproducible and may be provided without reformatting or conversion; and

1221 (c) the electronic copy of the record:

1222 (i) does not disclose other records that are exempt from disclosure; or

1223 (ii) may be segregated to protect private, protected, or controlled information from

1224 disclosure without the undue expenditure of public resources or funds.

1225 (14) In determining whether a record is properly classified as private under Subsection

1226 63G-2-302(2)(d), the governmental entity, the director of the Government Records

1227 Office, local appeals board, or court shall consider and weigh:

1228 (a) any personal privacy interests, including those in images, that would be affected by

1229 disclosure of the records in question; and

1230 (b) any public interests served by disclosure.

1231 Section 20. Section **63G-2-301** is amended to read:

1232 **63G-2-301 . Public records.**

1233 (1) As used in this section:

1234 (a) "Business address" means a single address of a governmental agency designated for

1235 the public to contact an employee or officer of the governmental agency.

1236 (b) "Business email address" means a single email address of a governmental agency

1237 designated for the public to contact an employee or officer of the governmental

1238 agency.

1239 (c) "Business telephone number" means a single telephone number of a governmental

1240 agency designated for the public to contact an employee or officer of the

1241 governmental agency.

1242 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

1243 (2) The following records are public except to the extent they contain information expressly

1244 permitted to be treated confidentially under the provisions of Subsections

1245 63G-2-201(3)(b) and (6)(a):

1246 (a) laws;

1247 (b) the name, gender, gross compensation, job title, job description, business address,

1248 business email address, business telephone number, number of hours worked per pay

1249 period, dates of employment, and relevant education, previous employment, and

1250 similar job qualifications of a current or former employee or officer of the

1251 governmental entity, excluding:

1252 (i) undercover law enforcement personnel; and

1253 (ii) investigative personnel if disclosure could reasonably be expected to impair the

1254 effectiveness of investigations or endanger any individual's safety;

1255 (c) final opinions, including concurring and dissenting opinions, and orders that are
1256 made by a governmental entity in an administrative, adjudicative, or judicial
1257 proceeding except that if the proceedings were properly closed to the public, the
1258 opinion and order may be withheld to the extent that they contain information that is
1259 private, controlled, or protected;

1260 (d) final interpretations of statutes or rules by a governmental entity unless classified as
1261 protected as provided in Subsection 63G-2-305(17) or (18);

1262 (e) information contained in or compiled from a transcript, minutes, or report of the open
1263 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,
1264 Open and Public Meetings Act, including the records of all votes of each member of
1265 the governmental entity;

1266 (f) judicial records unless a court orders the records to be restricted under the rules of
1267 civil or criminal procedure or unless the records are private under this chapter;

1268 (g) unless otherwise classified as private under Section [63G-2-303] 63A-19-408, records
1269 or parts of records filed with or maintained by county recorders, clerks, treasurers,
1270 surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the
1271 School and Institutional Trust Lands Administration, the Division of Oil, Gas, and
1272 Mining, the Division of Water Rights, or other governmental entities that give public
1273 notice of:
1274 (i) titles or encumbrances to real property;
1275 (ii) restrictions on the use of real property;
1276 (iii) the capacity of persons to take or convey title to real property; or
1277 (iv) tax status for real and personal property;

1278 (h) records of the Department of Commerce that evidence incorporations, mergers, name
1279 changes, and uniform commercial code filings;

1280 (i) data on individuals that would otherwise be private under this chapter if the
1281 individual who is the subject of the record has given the governmental entity written
1282 permission to make the records available to the public;

1283 (j) documentation of the compensation that a governmental entity pays to a contractor or
1284 private provider;

1285 (k) summary data;

1286 (l) voter registration records, including an individual's voting history, except for a voter
1287 registration record or those parts of a voter registration record that are classified as
1288 private under Subsections 63G-2-302(1)(j) through (n) or withheld under Subsection

1289 20A-2-104(7);

1290 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if
1291 available, and email address, if available, where that elected official may be reached
1292 as required in Title 11, Chapter 47, Access to Elected Officials;

1293 (n) for a school community council member, a telephone number, if available, and email
1294 address, if available, where that elected official may be reached directly as required
1295 in Section 53G-7-1203;

1296 (o) annual audited financial statements of the Utah Educational Savings Plan described
1297 in Section 53H-10-210; and

1298 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as
1299 defined in Section 20A-7-101, after the packet is submitted to a county clerk.

1300 (3) The following records are normally public, but to the extent that a record is expressly
1301 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
1302 Section 63G-2-302, 63G-2-304, or 63G-2-305:

1303 (a) administrative staff manuals, instructions to staff, and statements of policy;

1304 (b) records documenting a contractor's or private provider's compliance with the terms
1305 of a contract with a governmental entity;

1306 (c) records documenting the services provided by a contractor or a private provider to
1307 the extent the records would be public if prepared by the governmental entity;

1308 (d) contracts entered into by a governmental entity;

1309 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
1310 by a governmental entity;

1311 (f) records relating to government assistance or incentives publicly disclosed, contracted
1312 for, or given by a governmental entity, encouraging a person to expand or relocate a
1313 business in Utah, except as provided in Subsection 63G-2-305(35);

1314 (g) chronological logs and initial contact reports;

1315 (h) correspondence by and with a governmental entity in which the governmental entity
1316 determines or states an opinion upon the rights of the state, a political subdivision,
1317 the public, or any person;

1318 (i) empirical data contained in drafts if:

1319 (i) the empirical data is not reasonably available to the requester elsewhere in similar
1320 form; and

1321 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
1322 make nonsubstantive changes before release;

1323 (j) drafts that are circulated to anyone other than:

1324 (i) a governmental entity;

1325 (ii) a political subdivision;

1326 (iii) a federal agency if the governmental entity and the federal agency are jointly

1327 responsible for implementation of a program or project that has been legislatively

1328 approved;

1329 (iv) a government-managed corporation; or

1330 (v) a contractor or private provider;

1331 (k) drafts that have never been finalized but were relied upon by the governmental entity

1332 in carrying out action or policy;

1333 (l) original data in a computer program if the governmental entity chooses not to

1334 disclose the program;

1335 (m) arrest warrants after issuance, except that, for good cause, a court may order

1336 restricted access to arrest warrants prior to service;

1337 (n) search warrants after execution and filing of the return, except that a court, for good

1338 cause, may order restricted access to search warrants prior to trial;

1339 (o) records that would disclose information relating to formal charges or disciplinary

1340 actions against a past or present governmental entity employee if:

1341 (i) the disciplinary action has been completed and all time periods for administrative

1342 appeal have expired; and

1343 (ii) the charges on which the disciplinary action was based were sustained;

1344 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and

1345 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that

1346 evidence mineral production on government lands;

1347 (q) final audit reports;

1348 (r) occupational and professional licenses;

1349 (s) business licenses;

1350 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar

1351 records used to initiate proceedings for discipline or sanctions against persons

1352 regulated by a governmental entity, but not including records that initiate employee

1353 discipline; and

1354 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding

1355 the operation of a correctional facility or the care and control of inmates

1356 committed to the custody of a correctional facility; and

- (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).
- (4) The list of public records in this section is not exhaustive and should not be used to limit access to records.

Section 21. Section **63G-2-302** is amended to read:

63G-2-302 . Private records.

- (1) The following records are private:
 - (a) records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;
 - (b) records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;
 - (c) records of publicly funded libraries that when examined alone or with other records identify a patron;
 - (d) records received by or generated by or for:
 - (i) the Independent Legislative Ethics Commission, except for:
 - (A) the commission's summary data report that is required under legislative rule; and
 - (B) any other document that is classified as public under legislative rule; or
 - (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;
 - (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;
 - (f) records received or generated for a Senate confirmation committee concerning character, professional competence, or physical or mental health of an individual:
 - (i) if, prior to the meeting, the chair of the committee determines release of the records:
 - (A) reasonably could be expected to interfere with the investigation undertaken by the committee; or
 - (B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and
 - (ii) after the meeting, if the meeting was closed to the public;
 - (g) employment records concerning a current or former employee of, or applicant for

1391 employment with, a governmental entity that would disclose that individual's home
1392 address, home telephone number, social security number, insurance coverage, marital
1393 status, or payroll deductions;

1394 (h) records or parts of records under Section [63G-2-303] 63A-19-408 that a current or
1395 former employee identifies as private according to the requirements of that section;

1396 (i) that part of a record indicating a person's social security number or federal employer
1397 identification number if provided under Section 31A-23a-104, 31A-25-202,
1398 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

1399 (j) that part of a voter registration record identifying a voter's:
1400 (i) driver license or identification card number;
1401 (ii) social security number, or last four digits of the social security number;
1402 (iii) email address;
1403 (iv) date of birth; or
1404 (v) phone number;

1405 (k) a voter registration record that is classified as a private record by the lieutenant
1406 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
1407 20A-2-204(4)(b);

1408 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
1409 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
1410 verification submitted in support of the form;

1411 (n) a record or information regarding whether a voter returned a ballot with postage
1412 attached;

1413 (o) a record that:
1414 (i) contains information about an individual;
1415 (ii) is voluntarily provided by the individual; and
1416 (iii) goes into an electronic database that:
1417 (A) is designated by and administered under the authority of the [Chief
1418 Information Officer] chief information officer; and
1419 (B) acts as a repository of information about the individual that can be
1420 electronically retrieved and used to facilitate the individual's online interaction
1421 with a state agency;

1422 (p) information provided to the [Commissioner of Insurance] commissioner of insurance
1423 under:
1424 (i) Subsection 31A-23a-115(3)(a);

- (ii) Subsection 31A-23a-302(4); or
- (iii) Subsection 31A-26-210(4);
- (q) information obtained through a criminal background check under Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- (r) information provided by an offender that is:
 - (i) required by the registration requirements of Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry; and
 - (ii) not required to be made available to the public under Subsection 53-29-404(3)(a);
- (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;
- (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;
- (u) an email address provided by a military or overseas voter under Section 20A-16-501;
- (v) a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- (w) records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, except for:
 - (i) the commission's summary data report that is required in Section 63A-15-202; and
 - (ii) any other document that is classified as public in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission;
- (x) a record described in Section 53G-9-604 that verifies that a parent was notified of an incident or threat;
- (y) a criminal background check or credit history report conducted in accordance with Section 63A-3-201;
- (z) a record described in Subsection 53-5a-104(7);
- (aa) on a record maintained by a county for the purpose of administering property taxes, an individual's:
 - (i) email address;
 - (ii) phone number; or
 - (iii) personal financial information related to a person's payment method;
- (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an

exemption, deferral, abatement, or relief under:

- (i) Title 59, Chapter 2, Part 11, Exemptions; or
- (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;
-) a record provided by the State Tax Commission in response to a request under Subsection 59-1-403(4)(y)(iii);
-) a record of the Child Welfare Legislative Oversight Panel regarding an individual child welfare case, as described in Subsection 36-33-103(3);
-) a record relating to drug or alcohol testing of a state employee under Section 63A-17-1004;
- 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;
-) a record including confidential information as that term is defined in Section 67-27-106; and
-) a record or notice received or generated under Title 53, Chapter 30, Security Improvements Act, relating to:
 - (i) an application for certification described in Section 53-30-201; or
 - (ii) a security improvement, including a building permit application or building permit for a security improvement described in Section 53-30-301.

(2) The following records are private if properly classified by a governmental entity:

- (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);
- (b) records describing an individual's finances, except that the following are public:
 - (i) records described in Subsection 63G-2-301(2);
 - (ii) information provided to the governmental entity for the purpose of complying with a financial assurance requirement; or
 - (iii) records that must be disclosed in accordance with another statute;
- (c) records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;
- (d) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;

1493 (e) records provided by the United States or by a government entity outside the state that
1494 are given with the requirement that the records be managed as private records, if the
1495 providing entity states in writing that the record would not be subject to public
1496 disclosure if retained by it;

1497 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
1498 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
1499 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
1500 vulnerable adult; and

1501 (g) audio and video recordings created by a body-worn camera, as defined in Section
1502 77-7a-103, that record sound or images inside a home or residence except for
1503 recordings that:

1504 (i) depict the commission of an alleged crime;

1505 (ii) record any encounter between a law enforcement officer and a person that results
1506 in death or bodily injury, or includes an instance when an officer fires a weapon;

1507 (iii) record any encounter that is the subject of a complaint or a legal proceeding
1508 against a law enforcement officer or law enforcement agency;

1509 (iv) contain an officer-involved critical incident as defined in Subsection
1510 76-2-408(1)(f); or

1511 (v) have been requested for reclassification as a public record by a subject or
1512 authorized agent of a subject featured in the recording.

1513 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
1514 statements, history, diagnosis, condition, treatment, and evaluation.

1515 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
1516 doctors, or affiliated entities are not private records or controlled records under
1517 Section 63G-2-304 when the records are sought:

1518 (i) in connection with any legal or administrative proceeding in which the patient's
1519 physical, mental, or emotional condition is an element of any claim or defense; or

1520 (ii) after a patient's death, in any legal or administrative proceeding in which any
1521 party relies upon the condition as an element of the claim or defense.

1522 (c) Medical records are subject to production in a legal or administrative proceeding
1523 according to state or federal statutes or rules of procedure and evidence as if the
1524 medical records were in the possession of a nongovernmental medical care provider.

1525 Section 22. Section **63G-2-601** is amended to read:

1526 **63G-2-601 . Rights of individuals on whom data is maintained -- Classification**

1527 **statement filed with state archivist -- Notice to provider of information.**

1528 (1)(a) Each governmental entity shall file with the state archivist a statement explaining,
1529 for each record series collected, maintained, or used by the governmental entity, the
1530 purposes for which each private or controlled record in the record series is collected,
1531 maintained, or used by that governmental entity.

1532 (b) The statement filed under Subsection (1)(a):

1533 (i) shall identify the authority under which the governmental entity collects the
1534 records or information included in the statement described in Subsection (1)(a);
1535 and
1536 (ii) is a public record.

1537 (2) A governmental entity may only use the information contained in a controlled or private
1538 record for:

1539 (a) the purposes described in the statement provided under Subsection (1); or
1540 (b) the purposes for which another governmental entity may use the record under
1541 Section 63G-2-206.

1542 [(2)(a) ~~A governmental entity shall provide the notice described in this Subsection (2)~~
1543 ~~to a person that is asked to furnish information that could be classified as a private or~~
1544 ~~controlled record.]~~

1545 [(b) ~~The notice required under Subsection (2)(a) shall:~~]

1546 [(i) ~~identify the record series that includes the information described in Subsection~~
1547 ~~(2)(a);~~]

1548 [(ii) ~~state the reasons the person is asked to furnish the information;~~]

1549 [(iii) ~~state the intended uses of the information;~~]

1550 [(iv) ~~state the consequences for refusing to provide the information; and~~]

1551 [(v) ~~disclose the classes of persons and the governmental entities that currently:~~]

1552 [(A) ~~share the information with the governmental entity; or~~]

1553 [(B) ~~receive the information from the governmental entity on a regular or~~
1554 ~~contractual basis.~~]

1555 [(e) ~~The governmental entity shall:~~]

1556 [(i) ~~post the notice required under this Subsection (2) in a prominent place at all~~
1557 ~~locations where the governmental entity collects the information; or~~]

1558 [(ii) ~~include the notice required under this Subsection (2) as part of the documents or~~
1559 ~~forms that are used by the governmental entity to collect the information.~~]

1560 [(3) ~~Upon request, each governmental entity shall, in relation to the information described~~

1561 in Subsection (2)(a), as applicable, explain to a person:]
1562 [(a) the reasons the person is asked to furnish information;]
1563 [(b) the intended uses of the information;]
1564 [(c) the consequences for refusing to provide the information; and]
1565 [(d) the reasons and circumstances under which the information may be shared with, or
1566 provided to, other persons or governmental entities.]

1567 [(4) A governmental entity may use the information that the governmental entity is required
1568 to disclose under Subsection (2)(a) only for those purposes:]
1569 [(a) given in the statement filed with the state archivist under Subsection (1); or]
1570 [(b) for which another governmental entity may use the record under Section 63G-2-206.]

1571 Section 23. Section **63G-2-803** is amended to read:

1572 **63G-2-803 . No individual liability for certain decisions of a governmental entity.**

1573 (1) Neither the governmental entity, nor any officer or employee of the governmental
1574 entity, is liable for damages resulting from the release of a record where the person or
1575 government requesting the record presented evidence of authority to obtain the record
1576 even if it is subsequently determined that the requester had no authority.

1577 (2) Neither the governmental entity, nor any officer or employee of the governmental
1578 entity, is liable for damages arising from the negligent disclosure of records classified as
1579 private under Subsection 63G-2-302(1)(g) unless:

1580 (a) the disclosure was of employment records maintained by the governmental entity; or
1581 (b) the current or former government employee had previously filed the notice required
1582 by Section [63G-2-303] 63A-19-408 and:

1583 (i) the government entity did not take reasonable steps to preclude access or
1584 distribution of the record; or

1585 (ii) the release of the record was otherwise willfully or grossly negligent.

1586 (3) A mailing from a government agency to an individual who has filed an application
1587 under Section [63G-2-303] 63A-19-408 is not a wrongful disclosure under this chapter or
1588 under Title 63A, Chapter 12, Division of Archives and Records Service and
1589 Management of Government Records.

1590 Section 24. Section **67-1a-15** is amended to read:

1591 **67-1a-15 . Local government and limited purpose entity registry.**

1592 (1) As used in this section:

1593 (a) "Entity" means a limited purpose entity or a local government entity.

1594 (b)(i) "Limited purpose entity" means a legal entity that:

1595 (A) performs a single governmental function or limited governmental functions;
1596 and

1597 (B) is not a state executive branch agency, a state legislative office, or within the
1598 judicial branch.

1599 (ii) "Limited purpose entity" includes:

1600 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as
1601 those terms are defined in Section 26B-6-101;

1602 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;

1603 (C) community reinvestment agencies, as that term is defined in Section
1604 17C-1-102;

1605 (D) conservation districts, as that term is defined in Section 17D-3-102;

1606 (E) governmental nonprofit corporations, as that term is defined in Section
1607 11-13a-102;

1608 (F) housing authorities, as that term is defined in Section 35A-8-401;

1609 (G) independent entities and independent state agencies, as those terms are
1610 defined in Section 63E-1-102;

1611 (H) interlocal entities, as that term is defined in Section 11-13-103;

1612 (I) local building authorities, as that term is defined in Section 17D-2-102;

1613 (J) special districts, as that term is defined in Section 17B-1-102;

1614 (K) local health departments, as that term is defined in Section 26A-1-102;

1615 (L) local mental health authorities, as that term is defined in Section 62A-15-102;

1616 (M) nonprofit corporations that receive an amount of money requiring an
1617 accounting report under Section 51-2a-201.5;

1618 (N) school districts under Title 53G, Chapter 3, School District Creation and
1619 Change;

1620 (O) special service districts, as that term is defined in Section 17D-1-102; and

1621 (P) substance abuse authorities, as that term is defined in Section 62A-15-102.

1622 (c) "Local government and limited purpose entity registry" or "registry" means the
1623 registry of local government entities and limited purpose entities created under this
1624 section.

1625 (d) "Local government entity" means:

1626 (i) a county, as that term is defined in Section 17-60-101; and

1627 (ii) a municipality, as that term is defined in Section 10-1-104.

1628 (e) "Notice of failure to register" means the notice the lieutenant governor sends, in

1629 accordance with Subsection (7)(a), to an entity that does not register.

1630 (f) "Notice of failure to renew" means the notice the lieutenant governor sends to a
1631 registered entity, in accordance with Subsection (7)(b).

1632 (g) "Notice of noncompliance" means the notice the lieutenant governor sends to a
1633 registered entity, in accordance with Subsection (6)(c).

1634 (h) "Notice of non-registration" means the notice the lieutenant governor sends to an
1635 entity and the state auditor, in accordance with Subsection (9).

1636 (i) "Notice of registration or renewal" means the notice the lieutenant governor sends, in
1637 accordance with Subsection (6)(b)(i).

1638 (j) "Registered entity" means an entity with a valid registration as described in
1639 Subsection (8).

1640 (2) The lieutenant governor shall:

1641 (a) create a registry of each local government entity and limited purpose entity within
1642 the state that:
1643 (i) contains the information described in Subsection (4); and
1644 (ii) is accessible on the lieutenant governor's website or otherwise publicly available;
1645 and
1646 (b) establish fees for registration and renewal, in accordance with Section 63J-1-504,
1647 based on and to directly offset the cost of creating, administering, and maintaining
1648 the registry.

1649 (3) Each local government entity and limited purpose entity shall:

1650 (a) on or before July 1, 2019, register with the lieutenant governor as described in
1651 Subsection (4);
1652 (b) on or before one year after the day on which the lieutenant governor issues the notice
1653 of registration or renewal, annually renew the entity's registration in accordance with
1654 Subsection (5); and
1655 (c) on or before 30 days after the day on which any of the information described in
1656 Subsection (4) changes, send notice of the changes to the lieutenant governor.

1657 (4) Each entity shall include the following information in the entity's registration
1658 submission:

1659 (a) the resolution or other legal or formal document creating the entity or, if the
1660 resolution or other legal or formal document creating the entity cannot be located,
1661 conclusive proof of the entity's lawful creation;
1662 (b) if the entity has geographic boundaries, a map or plat identifying the current

1663 geographic boundaries of the entity, or if it is impossible or unreasonably expensive
1664 to create a map or plat, a metes and bounds description, or another legal description
1665 that identifies the current boundaries of the entity;

1666 (c) the entity's name;

1667 (d) the entity's type of local government entity or limited purpose entity;

1668 (e) the entity's governmental function;

1669 (f) the entity's website, physical address, and phone number, including the name and
1670 contact information of an individual whom the entity designates as the primary
1671 contact for the entity;

1672 (g)(i) names, email addresses, and phone numbers of the members of the entity's
1673 governing board or commission, managing officers, or other similar managers and
1674 the method by which the members or officers are appointed, elected, or otherwise
1675 designated;

1676 (ii) the date of the most recent appointment or election of each entity governing board
1677 or commission member; and

1678 (iii) the date of the anticipated end of each entity governing board or commission
1679 member's term;

1680 (h) the entity's sources of revenue; and

1681 (i) if the entity has created an assessment area, as that term is defined in Section
1682 11-42-102, information regarding the creation, purpose, and boundaries of the
1683 assessment area.

1684 (5) Each entity shall include the following information in the entity's renewal submission:

1685 (a) identify and update any incorrect or outdated information the entity previously
1686 submitted during registration under Subsection (4); or

1687 (b) certify that the information the entity previously submitted during registration under
1688 Subsection (4) is correct without change.

1689 (6) Within 30 days of receiving an entity's registration or renewal submission, the lieutenant
1690 governor shall:

1691 (a) review the submission to determine compliance with Subsection (4) or (5);

1692 (b) if the lieutenant governor determines that the entity's submission complies with
1693 Subsection (4) or (5):

1694 (i) send a notice of registration or renewal that includes the information that the entity
1695 submitted under Subsection (4) or (5) to:

1696 (A) the registering or renewing entity;

1697 (B) each county in which the entity operates, either in whole or in part, or where
1698 the entity's geographic boundaries overlap or are contained within the
1699 boundaries of the county;

1700 (C) the Division of Archives and Records Service; and
1701 (D) the Office of the Utah State Auditor; and
1702 (ii) publish the information from the submission on the registry, except any email
1703 address or phone number that is personal information as defined in Section [
1704 ~~63G-2-303~~] 63A-19-408; and
1705 (c) if the lieutenant governor determines that the entity's submission does not comply
1706 with Subsection (4) or (5) or is otherwise inaccurate or deficient, send a notice of
1707 noncompliance to the registering or renewing entity that:
1708 (i) identifies each deficiency in the entity's submission with the corresponding
1709 statutory requirement;
1710 (ii) establishes a deadline to cure the entity's noncompliance that is the first business
1711 day that is at least 30 calendar days after the day on which the lieutenant governor
1712 sends the notice of noncompliance; and
1713 (iii) states that failure to comply by the deadline the lieutenant governor establishes
1714 under Subsection (6)(c)(ii) will result in the lieutenant governor sending a notice
1715 of non-registration to the Office of the Utah State Auditor, in accordance with
1716 Subsection (9).
1717 (7)(a) If the lieutenant governor identifies an entity that does not make a registration
1718 submission in accordance with Subsection (4) by the deadline described in
1719 Subsection (3), the lieutenant governor shall send a notice of failure to register to the
1720 registered entity that:
1721 (i) identifies the statutorily required registration deadline described in Subsection (3)
1722 that the entity did not meet;
1723 (ii) establishes a deadline to cure the entity's failure to register that is the first
1724 business day that is at least 10 calendar days after the day on which the lieutenant
1725 governor sends the notice of failure to register; and
1726 (iii) states that failure to comply by the deadline the lieutenant governor establishes
1727 under Subsection (7)(a)(ii) will result in the lieutenant governor sending a notice
1728 of non-registration to the Office of the Utah State Auditor, in accordance with
1729 Subsection (9).
1730 (b) If a registered entity does not make a renewal submission in accordance with

1731 Subsection (5) by the deadline described in Subsection (3), the lieutenant governor
1732 shall send a notice of failure to renew to the registered entity that:
1733 (i) identifies the renewal deadline described in Subsection (3) that the entity did not
1734 meet;
1735 (ii) establishes a deadline to cure the entity's failure to renew that is the first business
1736 day that is at least 30 calendar days after the day on which the lieutenant governor
1737 sends the notice of failure to renew; and
1738 (iii) states that failure to comply by the deadline the lieutenant governor establishes
1739 under Subsection (7)(b)(ii) will result in the lieutenant governor sending a notice
1740 of non-registration to the Office of the Utah State Auditor, in accordance with
1741 Subsection (9).

1742 (8) An entity's registration is valid:
1743 (a) if the entity makes a registration or renewal submission in accordance with the
1744 deadlines described in Subsection (3);
1745 (b) during the period the lieutenant governor establishes in the notice of noncompliance
1746 or notice of failure to renew during which the entity may cure the identified
1747 registration deficiencies; and
1748 (c) for one year beginning on the day the lieutenant governor issues the notice of
1749 registration or renewal.

1750 (9)(a) The lieutenant governor shall send a notice of non-registration to the Office of the
1751 Utah State Auditor if an entity fails to:
1752 (i) cure the entity's noncompliance by the deadline the lieutenant governor establishes
1753 in the notice of noncompliance;
1754 (ii) register by the deadline the lieutenant governor establishes in the notice of failure
1755 to register; or
1756 (iii) cure the entity's failure to renew by the deadline the lieutenant governor
1757 establishes in the notice of failure to renew.
1758 (b) The lieutenant governor shall ensure that the notice of non-registration:
1759 (i) includes a copy of the notice of noncompliance, the notice of failure to register, or
1760 the notice of failure to renew; and
1761 (ii) requests that the state auditor withhold state allocated funds or the disbursement
1762 of property taxes and prohibit the entity from accessing money held by the state or
1763 money held in an account of a financial institution, in accordance with
1764 Subsections 67-3-1(7)(i) and 67-3-1(10).

1765 (10) The lieutenant governor may extend a deadline under this section if an entity notifies
1766 the lieutenant governor, before the deadline to be extended, of the existence of an
1767 extenuating circumstance that is outside the control of the entity.

1768 (11)(a) An entity is not required to renew submission of a registration under this section
1769 if an entity provides a record of dissolution.
1770 (b) The lieutenant governor shall include in the registry an entity's record of dissolution
1771 and indicate on the registry that the entity is dissolved.

1772 **Section 25. Effective Date.**

1773 This bill takes effect on May 6, 2026.