

David Shallenberger proposes the following substitute bill:

**Data Privacy Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David Shallenberger**

Senate Sponsor: Kirk A. Cullimore

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- defines terms;
- restructures the Utah Privacy Commission (commission) to include representatives from state agencies, cities, counties, and public education;
- transfers support of the commission from the state auditor's office to the Utah Office of Data Privacy (office);
- authorizes the commission to establish participation requirements for commission members;
- authorizes the office to provide recommendations and guidance;
- authorizes the office to partner with state institutions of higher education for research and support functions;
- requires the office and the commission to jointly study the use of passive data collection technology by governmental entities and report findings and recommendations to the Government Operations Interim Committee;
- establishes the data privacy ombudsman as a component of the Office of Data Privacy;
- establishes a data privacy complaint process;
- removes duplicative provisions from the Government Records Access and Management Act;
- expands amendment and correction procedures to cover information beyond personal data;
- removes the state privacy auditor and makes conforming changes; and

29           ▸ makes technical and conforming changes.

30       **Money Appropriated in this Bill:**

31           None

32       **Other Special Clauses:**

33           None

34       **Utah Code Sections Affected:**

35       AMENDS:

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

37           **53-18-102**, as last amended by Laws of Utah 2022, Chapter 367

38           **53H-14-501**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
39           Chapter 8

40           **53H-14-502**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
41           Chapter 8

42           **63A-16-108**, as enacted by Laws of Utah 2023, Chapter 201

43           **63A-19-101**, as last amended by Laws of Utah 2025, Chapter 475

44           **63A-19-202**, as enacted by Laws of Utah 2024, Chapter 417

45           **63A-19-203**, as renumbered and amended by Laws of Utah 2025, Chapter 475

46           **63A-19-204**, as renumbered and amended by Laws of Utah 2025, Chapter 475

47           **63A-19-301**, as last amended by Laws of Utah 2025, Chapter 475

48           **63A-19-302**, as enacted by Laws of Utah 2024, Chapter 417

49           **63A-19-401**, as last amended by Laws of Utah 2025, Chapter 475

50           **63A-19-401.1**, as enacted by Laws of Utah 2025, Chapter 475

51           **63A-19-401.2**, as enacted by Laws of Utah 2025, Chapter 475

52           **63A-19-401.3**, as enacted by Laws of Utah 2025, Chapter 475

53           **63A-19-401.4**, as enacted by Laws of Utah 2025, Chapter 475

54           **63A-19-403**, as enacted by Laws of Utah 2024, Chapter 417

55           **63A-19-405**, as last amended by Laws of Utah 2025, Chapter 475

56           **63A-19-406**, as last amended by Laws of Utah 2025, Chapter 475

57           **63A-19-501**, as last amended by Laws of Utah 2025, Chapter 475

58           **63G-2-201**, as last amended by Laws of Utah 2025, Chapters 299, 476

59           **63G-2-301**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

60           **63G-2-302**, as last amended by Laws of Utah 2025, Chapter 172

61           **63G-2-601**, as last amended by Laws of Utah 2025, Chapter 475

62           **63G-2-803**, as last amended by Laws of Utah 2013, Chapter 426

63 **67-1a-15**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

64 **67-3-1**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

65 ENACTS:

66 **63A-19-407**, Utah Code Annotated 1953

67 **63A-19-502**, Utah Code Annotated 1953

68 RENUMBERS AND AMENDS:

69 **63A-19-408**, (Renumbered from 63G-2-303, as last amended by Laws of Utah 2025,  
70 Chapter 208)

71 REPEALS:

72 **67-3-13**, as last amended by Laws of Utah 2025, Chapter 475

73

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

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

76 **20A-11-1604 . Failure to disclose conflict of interest -- Failure to comply with**  
77 **reporting requirements.**

78 (1)(a) Before or during the execution of any order, settlement, declaration, contract, or  
79 any other official act of office in which a state constitutional officer has actual  
80 knowledge that the state constitutional officer has a conflict of interest that is not  
81 stated in the conflict of interest disclosure, the state constitutional officer shall  
82 publicly declare that the state constitutional officer may have a conflict of interest  
83 and what that conflict of interest is.

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

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

94 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall  
95 be noted:

96 (a) on the official record of the action taken, for a state constitutional officer;

- 97 (b) in the minutes of the committee meeting or in the Senate or House Journal, as  
98 applicable, for a legislator; or
- 99 (c) in the minutes of the meeting or on the official record of the action taken, for a  
100 member of the State Board of Education.
- 101 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the  
102 website:
- 103 (a)(i) no sooner than January 1 each year, and before January 11 each year; or  
104 (ii) if the state constitutional officer takes office after January 10, within 10 calendar  
105 days after the day on which the state constitutional officer takes office; and
- 106 (b) each time the state constitutional officer changes employment.
- 107 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 108 (a)(i) no sooner than January 1 each year, and before January 11 each year; or  
109 (ii) if the legislator takes office after January 10, within 10 calendar days after the  
110 day on which the legislator takes office; and
- 111 (b) each time the legislator changes employment.
- 112 (5) A member of the State Board of Education shall make a complete conflict of interest  
113 disclosure on the website:
- 114 (a)(i) no sooner than January 1 each year, and before January 11 each year; or  
115 (ii) if the member takes office after January 10, within 10 calendar days after the day  
116 on which the member takes office; and
- 117 (b) each time the member changes employment.
- 118 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- 119 (a) the regulated officeholder's name;
- 120 (b) subject to Subsection (7):
- 121 (i) the name and address of each of the regulated officeholder's current employers and  
122 each of the regulated officeholder's employers during the preceding year; and
- 123 (ii) for each employer described in this Subsection (6)(b), a brief description of the  
124 employment, including the regulated officeholder's occupation and, as applicable,  
125 job title;
- 126 (c) for each entity in which the regulated officeholder is an owner or officer, or was an  
127 owner or officer during the preceding year:
- 128 (i) the name of the entity;
- 129 (ii) a brief description of the type of business or activity conducted by the entity; and  
130 (iii) the regulated officeholder's position in the entity;

- 131 (d) in accordance with Subsection (8), for each individual from whom, or entity from  
132 which, the regulated officeholder has received \$5,000 or more in income during the  
133 preceding year:
- 134 (i) the name of the individual or entity; and
  - 135 (ii) a brief description of the type of business or activity conducted by the individual  
136 or entity;
- 137 (e) for each entity in which the regulated officeholder holds any stocks or bonds having  
138 a fair market value of \$5,000 or more as of the date of the disclosure form or during  
139 the preceding year, but excluding funds that are managed by a third party, including  
140 blind trusts, managed investment accounts, and mutual funds:
- 141 (i) the name of the entity; and
  - 142 (ii) a brief description of the type of business or activity conducted by the entity;
- 143 (f) for each entity not listed in Subsections (6)(c) through (e) in which the regulated  
144 officeholder currently serves, or served in the preceding year, in a paid leadership  
145 capacity or in a paid or unpaid position on a board of directors:
- 146 (i) the name of the entity or organization;
  - 147 (ii) a brief description of the type of business or activity conducted by the entity; and
  - 148 (iii) the type of position held by the regulated officeholder;
- 149 (g) at the option of the regulated officeholder, a description of any real property in which  
150 the regulated officeholder holds an ownership or other financial interest that the  
151 regulated officeholder believes may constitute a conflict of interest, including a  
152 description of the type of interest held by the regulated officeholder in the property;
- 153 (h) subject to Subsection (7):
- 154 (i) the name of the regulated officeholder's spouse; and
  - 155 (ii) the name of each of the regulated officeholder's spouse's current employers and  
156 each of the regulated officeholder's spouse's employers during the preceding year,  
157 if the regulated officeholder believes the employment may constitute a conflict of  
158 interest;
  - 159 (i) the name of any adult residing in the regulated officeholder's household who is not  
160 related to the officeholder by blood;
  - 161 (j) for each adult described in Subsection (6)(i), a brief description of the adult's  
162 employment or occupation, if the regulated officeholder believes the adult's presence  
163 in the regulated officeholder's household may constitute a conflict of interest;
  - 164 (k) at the option of the regulated officeholder, a description of any other matter or

- 165 interest that the regulated officeholder believes may constitute a conflict of interest;
- 166 (l) the date the form was completed;
- 167 (m) a statement that the regulated officeholder believes that the form is true and accurate
- 168 to the best of the regulated officeholder's knowledge; and
- 169 (n) the signature of the regulated officeholder.
- 170 (7)(a) In making the disclosure described in Subsection (6)(b) or (h), if a regulated
- 171 officeholder or regulated officeholder's spouse is an at-risk government employee, as
- 172 that term is defined in [~~Subsection 63G-2-303(1)(a)~~] Section 63A-19-408, the
- 173 regulated officeholder may request the filing officer to redact from the conflict of
- 174 interest disclosure:
- 175 (i) the regulated officeholder's employment information under Subsection (6)(b); and
- 176 (ii) the regulated officeholder's spouse's name and employment information under
- 177 Subsection (6)(h).
- 178 (b) A filing officer who receives a redaction request under Subsection (7)(a) shall redact
- 179 the disclosures made under Subsection (6)(b) or (h) before the filing officer makes
- 180 the conflict of interest disclosure available for public inspection.
- 181 (8) In making the disclosure described in Subsection (6)(d), a regulated officeholder who
- 182 provides goods or services to multiple customers or clients as part of a business or a
- 183 licensed profession is only required to provide the information described in Subsection
- 184 (6)(d) in relation to the entity or practice through which the regulated officeholder
- 185 provides the goods or services and is not required to provide the information described
- 186 in Subsection (6)(d) in relation to the regulated officeholder's individual customers or
- 187 clients.
- 188 (9) The disclosure requirements described in this section do not prohibit a regulated
- 189 officeholder from voting or acting on any matter.
- 190 (10) A regulated officeholder may amend a conflict of interest disclosure described in this
- 191 part at any time.
- 192 (11) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a
- 193 class B misdemeanor.
- 194 (12)(a) A regulated officeholder who intentionally or knowingly violates a provision of
- 195 this section, other than Subsection (1), is guilty of a class B misdemeanor.
- 196 (b) In addition to the criminal penalty described in Subsection (12)(a), the lieutenant
- 197 governor shall impose a civil penalty of \$100 against a regulated officeholder who
- 198 violates a provision of this section, other than Subsection (1).

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

200 **53-18-102 . Definitions.**

201 As used in this chapter:

- 202 (1) "Access software provider" means a provider of software, including client or server  
203 software, or enabling tools that do any one or more of the following:  
204 (a) filter, screen, allow, or disallow content;  
205 (b) pick, choose, analyze, or digest content; or  
206 (c) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or  
207 translate content.
- 208 (2) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 209 (3) "Dispatcher" means the same as that term is defined in Section 53-6-102.
- 210 (4) "Immediate family member" means a public safety employee's spouse, child, parent, or  
211 grandparent who resides with the public safety employee.
- 212 (5) "Interactive computer service" means the same as that term is defined in Subsection 47  
213 U.S.C. 230(f).
- 214 (6) "Law enforcement officer" or "officer":  
215 (a) means the same as that term is defined in Section 53-13-103;  
216 (b) includes correctional officers as defined in Section 53-13-104; and  
217 (c) refers only to officers who are currently employed by, retired from, or were killed in  
218 the line of duty while in the employ of a state or local governmental law enforcement  
219 agency.
- 220 (7)(a) "Personal information" means a public safety employee's or a public safety  
221 employee's immediate family member's home address, home telephone number,  
222 personal mobile telephone number, personal pager number, personal email address,  
223 or personal photograph, directions to locate the public safety employee's home, or  
224 photographs of the public safety employee's or the public safety employee's  
225 immediate family member's home or vehicle.
- 226 (b) "Personal information" includes a record or a part of a record that:  
227 (i) a public safety employee who qualifies as an at-risk government employee under  
228 Section [63G-2-303] 63A-19-408 requests to be classified as private under  
229 Subsection 63G-2-302(1)(h); and  
230 (ii) is classified as private under Title 63G, Chapter 2, Government Records Access  
231 and Management Act.
- 232 (8) "Public safety employee" means:

- 233 (a) a law enforcement officer;
- 234 (b) a dispatcher; or
- 235 (c) a current or retired employee or contractor of:
- 236 (i) a law enforcement agency; or
- 237 (ii) a correctional facility.
- 238 (9) "Publicly post" or "publicly display" means to intentionally communicate or otherwise
- 239 make available to the general public.
- 240 Section 3. Section **53H-14-501** is amended to read:
- 241 **53H-14-501 . General provisions -- Definitions.**
- 242 As used in this part:
- 243 (1) "Advisory group" means the institution of higher education privacy advisory group
- 244 established by the ~~[state privacy auditor]~~ chief privacy officer under Section 53H-14-502.
- 245 (2) "Aggregate data" means data that:
- 246 (a) are totaled and reported at the group, cohort, class, course, institution, region, or state
- 247 level, with at least 10 individuals in the level; and
- 248 (b) do not reveal personally identifiable student data.
- 249 (3) "Chief privacy officer" means the individual appointed under Section 63A-19-302.
- 250 ~~[(3)]~~ (4) "Data breach" means an unauthorized release of or unauthorized access to
- 251 personally identifiable student data that an education entity maintains.
- 252 ~~[(4)]~~ (5) "Data governance plan" means an education entity's comprehensive plan for
- 253 managing education data that:
- 254 (a) incorporates reasonable data industry best practices to maintain and protect student
- 255 data and other education-related data;
- 256 (b) describes the role, responsibility, and authority of the board or an institution privacy
- 257 officer;
- 258 (c) provides for necessary technical assistance, training, support, and auditing;
- 259 (d) describes the process for sharing student data between the education entity and
- 260 another person;
- 261 (e) describes the education entity's data expungement process, including how to respond
- 262 to requests for expungement;
- 263 (f) describes the data breach response process; and
- 264 (g) is published annually and available on the institution's website or the Utah System of
- 265 Higher Education's website.
- 266 ~~[(5)]~~ (6) "Education entity" means the Utah Board of Higher Education or an institution.

- 267 [(6)] (7) "Higher education privacy officer" means a privacy officer that the board  
268 designates under Section 53H-14-503.
- 269 [(7)] (8) "Minor" means a person younger than 18 years old.
- 270 [(8)] (9)(a) "Personally identifiable student data" means student data that identifies or is  
271 used by the holder to identify a student.
- 272 (b) "Personally identifiable student data" includes:
- 273 (i) a student's first and last name;
- 274 (ii) the first and last name of a student's family member;
- 275 (iii) a student's or a student's family's home or physical address;
- 276 (iv) a student's email address or other online contact information;
- 277 (v) a student's telephone number;
- 278 (vi) a student's social security number;
- 279 (vii) a student's biometric identifier;
- 280 (viii) a student's health or disability data;
- 281 (ix) a student's education entity student identification number;
- 282 (x) a student's social media user name and password or alias;
- 283 (xi) if associated with personally identifiable student data, the student's persistent  
284 identifier, including:
- 285 (A) a customer number held in a cookie; or
- 286 (B) a processor serial number;
- 287 (xii) a combination of a student's last name or photograph with other information that  
288 together permits a person to contact the student online;
- 289 (xiii) information about a student or a student's family that a person collects online  
290 and combines with other personally identifiable student data to identify the  
291 student; and
- 292 (xiv) information that, alone or in combination, is linked or linkable to a specific  
293 student that would allow a reasonable person in the school community, who does  
294 not have personal knowledge of the relevant circumstances, to identify the student  
295 with reasonable certainty.
- 296 [(9) "State privacy auditor" means the state privacy auditor described in Section 67-3-13.]
- 297 (10) "Student" means an individual enrolled in an institution.
- 298 (11)(a) "Student data" means information about a student at the individual student level.
- 299 (b) "Student data" does not include aggregate or de-identified data.
- 300 (12) "Third-party contractor" means a person who:

- 301 (a) is not an institution or an employee of an institution; and  
302 (b) pursuant to a contract with an education entity, collects or receives student data in  
303 order to provide a product or service, as described in the contract, if the product or  
304 service is not related to school photography, yearbooks, graduation announcements,  
305 or a similar product or service.

306 Section 4. Section **53H-14-502** is amended to read:

307 **53H-14-502 . State student data protection governance.**

- 308 (1) The [~~state privacy auditor~~] chief privacy officer shall establish a higher education  
309 privacy advisory group to advise institutions and institution boards of trustees on student  
310 data protection.
- 311 (2) The advisory group shall consist of:
- 312 (a) the [~~state privacy auditor~~] chief privacy officer;
- 313 (b) the higher education privacy officer; and
- 314 (c) the following members, appointed by the commissioner:
- 315 (i) at least one Utah System of Higher Education employee; and
- 316 (ii) at least one representative of the Utah Board of Higher Education.
- 317 (3) The advisory group shall:
- 318 (a) discuss and make recommendations to the board and institutions regarding:
- 319 (i) existing and proposed:
- 320 (A) board rules; or
- 321 (B) board policies of the Utah Board of Higher Education or institutions; and
- 322 (ii) training on protecting student data privacy; and
- 323 (b) perform other tasks related to student data protection as designated by the Utah  
324 Board of Higher Education.
- 325 (4) The higher education privacy officer shall:
- 326 (a) provide training and support to institution boards and employees; and
- 327 (b) produce:
- 328 (i) resource materials;
- 329 (ii) model data governance plans;
- 330 (iii) model forms for institution student data protection governance; and
- 331 (iv) a model data collection notice.
- 332 (5) The board shall:
- 333 (a)(i) create and maintain a data governance plan; and
- 334 (ii) annually publish the data governance plan on the Utah System of Higher

335 Education website; and

336 (b) establish standards for:

337 (i) institution policies to protect student data;

338 (ii) institution data governance plans; and

339 (iii) a third-party contractor's use of student data.

340 Section 5. Section **63A-16-108** is amended to read:

341 **63A-16-108 . Digital verifiable credential and records.**

342 (1) As used in this section:

343 (a) "Blockchain" means a distributed ledger of ordered electronic records that:

344 (i) is distributed across a network of computers;

345 (ii) utilizes technology to prevent the unauthorized alteration of electronic records;

346 and

347 (iii) is mathematically verified.

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

349 ~~[(b)]~~ (c) "Digital record schema" means a description of the data fields and

350 tamper-evident technologies required to create a digital verifiable credential or digital

351 verifiable record that can be registered on a distributed ledger technology.

352 ~~[(e)]~~ (d) "Digital signature" means a tamper-evident, immutable, electronic seal that is

353 equivalent in function and status to a notary seal issued by a government entity.

354 ~~[(d)]~~ (e) "Digital verifiable credential" means a digital document that:

355 (i) attests to a fact;

356 (ii) is issued by a government entity;

357 (iii) can be mathematically verified; and

358 (iv) conveys rights, privileges, and legal enforceability equivalent to the possession

359 of a physical credential of the same type.

360 ~~[(e)]~~ (f) "Digital verifiable record" means a digital record that:

361 (i) is issued by a government entity or has been digitally signed by a government  
362 entity;

363 (ii) has a digital signature;

364 (iii) can be mathematically verified; and

365 (iv) conveys rights, privileges, and legal enforceability equivalent to the possession

366 of a physical record of the same type.

367 ~~[(f)]~~ (g) "Distributed ledger" means a decentralized database that is maintained by the

368 consensus of replicated, shared, and synchronized digital data.

- 369           ~~[(g)]~~ (h) "Government entity" means:
- 370                 (i) the state;
- 371                 (ii) a state agency; or
- 372                 (iii) a political subdivision of the state.
- 373           ~~[(h)] "Government operations privacy officer" means the government operations privacy~~
- 374                 ~~officer described in Section 67-1-17.]~~
- 375           (i) "State archivist" means the state archivist appointed under Section 63A-12-102.
- 376           ~~[(j)] "State privacy officer" means the state privacy officer described in Section 67-3-13.]~~
- 377           ~~[(k)]~~ (j) "State registrar" means the state registrar of vital records appointed under
- 378                 Section 26B-8-102.
- 379   (2) The Division of Technology Services shall:
- 380           (a) provide recommendations to government entities regarding:
- 381                 (i) appropriate digital record schemas that allow a government to issue a digital
- 382                         verifiable credential or record;
- 383                 (ii) policies and procedures to protect the privacy of personal identifying information
- 384                         maintained within distributed ledger programs;
- 385                 (iii) the manner and format in which an issuer may certify a document through
- 386                         blockchain; and
- 387                 (iv) processes and procedures for the preservation, auditability, integrity, security,
- 388                         and confidentiality of digital verifiable credentials and records;
- 389           (b) create a pilot program for the implementation of digital verifiable credentials by
- 390                 governmental entities; and
- 391           (c) report to Public Utilities, Energy, and Technology Interim Committee by October 31,
- 392                 2023, on the duties described in Subsections (2)(a) and (b).
- 393   (3) In performing the duties described in Subsections (2)(a) and (b), the Division of
- 394           Technology Services shall consult with:
- 395           (a) the state archivist;
- 396           **(b) the chief privacy officer;**
- 397           ~~[(b)] the state privacy officer;~~
- 398           ~~[(c)] the government operations privacy officer;~~
- 399           ~~[(d)]~~ (c) the state registrar;
- 400           ~~[(e)]~~ (d) private industry professionals with relevant expertise;
- 401           ~~[(f)]~~ (e) the Utah League of Cities and Towns; and
- 402           ~~[(g)]~~ (f) an association of counties in the state.

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

404 **63A-19-101 . Definitions.**

405 As used in this chapter:

- 406 (1) "Anonymized data" means information that has been irreversibly modified so that there  
407 is no possibility of using the information, alone or in combination with other  
408 information, to identify an individual.
- 409 (2) "At-risk government employee" means the same as that term is defined in Section [  
410 ~~63G-2-303~~] 63A-19-408.
- 411 (3) "Automated decision making" means using personal data to make a decision about an  
412 individual through automated processing, without human review or intervention.
- 413 (4) "Biometric data" means the same as that term is defined in Section 13-61-101.
- 414 (5) "Chief administrative officer" means the same as that term is defined in Section  
415 63A-12-100.5[-] , and is a separate and distinct role from the chief administrative officer  
416 role described in Section 11-50-202, though a governmental entity may designate the  
417 same individual to serve in both roles.
- 418 (6) "Chief privacy officer" means the individual appointed under Section 63A-19-302.
- 419 (7) "Commission" means the Utah Privacy Commission established in Section 63A-19-203.
- 420 (8) "Contract" means an agreement between a governmental entity and a person for goods  
421 or services that involve personal data.
- 422 (9)(a) "Contractor" means a person who:
- 423 (i) has entered into a contract with a governmental entity; and
- 424 (ii) may process personal data under the contract.
- 425 (b) "Contractor" includes a contractor's employees, agents, or subcontractors.
- 426 (10) "Cyber Center" means the Utah Cyber Center created in Section 63A-16-1102.
- 427 [~~11~~] "Data breach" means the unauthorized access, acquisition, disclosure, loss of access,  
428 or destruction of personal data held by a governmental entity, unless the governmental  
429 entity concludes, according to standards established by the Cyber Center, that there is a  
430 low probability that personal data has been compromised.]
- 431 [~~12~~] (11) "Data privacy complaint" means a complaint or concern raised by an individual  
432 regarding:
- 433 (a) an alleged infringement on the individual's data privacy interests described in  
434 Subsection 63A-19-102(1); or
- 435 (b) a governmental entity's data privacy practices described in Part 4, Duties of  
436 Governmental Entities.

- 437 (12) "De-identified data" means information from which personal data has been removed or  
438 obscured so that the information is not readily identifiable to a specific individual, and  
439 which may not be re-identified.
- 440 (13) "Genetic data" means the same as that term is defined in Section 13-60-102.
- 441 (14) "Governing board" means the Utah Privacy Governing Board established in Section  
442 63A-19-201.
- 443 (15) "Governmental entity" means the same as that term is defined in Section 63G-2-103.
- 444 (16) "Government website" means a set of related web pages that is operated by or on  
445 behalf of a governmental entity and is:
- 446 (a) located under a single domain name or web address; and  
447 (b) accessible directly through the Internet or by the use of a software program.
- 448 (17)(a) "High-risk processing activities" means a governmental entity's processing of  
449 personal data that may have a significant impact on an individual's privacy interests,  
450 based on factors that include:
- 451 (i) the sensitivity of the personal data processed;  
452 (ii) the amount of personal data being processed;  
453 (iii) the individual's ability to consent to the processing of personal data; and  
454 (iv) risks of unauthorized access or use.
- 455 (b) "High-risk processing activities" may include the use of:
- 456 (i) facial recognition technology;  
457 (ii) automated decision making;  
458 (iii) profiling;  
459 (iv) license plate readers;  
460 (v) genetic data;  
461 [(v)] (vi) biometric data; or  
462 [(vi)] (vii) specific geolocation data.
- 463 (18) "Independent entity" means the same as that term is defined in Section 63E-1-102.
- 464 (19) "Individual" means the same as that term is defined in Section 63G-2-103.
- 465 (20) "Legal guardian" means:
- 466 (a) the parent of a minor; or  
467 (b) an individual appointed by a court to be the guardian of a minor or incapacitated  
468 individual and given legal authority to make decisions regarding the person or  
469 property of the minor or incapacitated individual.
- 470 (21) "License plate reader" means a computerized system of:

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

- 505     ~~[(29)]~~ (30) "Purchase" or "purchasing" means the exchange of monetary consideration to  
506     obtain the personal data of an individual who is not a party to the transaction.
- 507     ~~[(30)]~~ (31) "Record" means the same as that term is defined in Section 63G-2-103.
- 508     ~~[(31)]~~ (32) "Record series" means the same as that term is defined in Section 63G-2-103.
- 509     ~~[(32)]~~ (33) "Retention schedule" means a governmental entity's schedule for the retention or  
510     disposal of records that has been approved by the Records Management Committee  
511     pursuant to Section 63A-12-113.
- 512     (34) "Security incident" means the unauthorized access, use, disclosure, modification, or  
513     destruction of information, or interference with system operations in the information  
514     system used by a governmental entity.
- 515     ~~[(33)]~~ (35)(a) "Sell" means the transfer ~~[an exchange]~~ of personal data in exchange for  
516     monetary consideration by a governmental entity to a third party.
- 517     (b) "Sell" does not include a fee:
- 518         (i) charged by a governmental entity for access to a record pursuant to Section  
519         63G-2-203; or
- 520         (ii) assessed in accordance with an approved fee schedule.
- 521     (36) "Specific geolocation data" means the same as that term is defined in Section  
522     13-61-101.
- 523     ~~[(34)]~~ (37)(a) "State agency" means the following entities that are under the direct  
524     supervision and control of the governor or the lieutenant governor:
- 525         (i) a department;
- 526         (ii) a commission;
- 527         (iii) a board;
- 528         (iv) a council;
- 529         (v) an institution;
- 530         (vi) an officer;
- 531         (vii) a corporation;
- 532         (viii) a fund;
- 533         (ix) a division;
- 534         (x) an office;
- 535         (xi) a committee;
- 536         (xii) an authority;
- 537         (xiii) a laboratory;
- 538         (xiv) a library;

539 (xv) a bureau;  
 540 (xvi) a panel;  
 541 (xvii) another administrative unit of the state; or  
 542 (xviii) an agent of an entity described in Subsections ~~[(34)(a)(i)]~~ (37)(a)(i) through  
 543 (xvii).

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

545 (i) the legislative branch;  
 546 (ii) the judicial branch;  
 547 (iii) an executive branch agency within the Office of the Attorney General, the state  
 548 auditor, the state treasurer, or the State Board of Education; or  
 549 (iv) an independent entity.

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

551 ~~[(36)]~~ (38) "Synthetic data" means artificial data that:

552 (a) is generated from personal data; and  
 553 (b) models the statistical properties of the original personal data.

554 ~~[(37)]~~ (39) "User" means an individual who accesses a government website.

555 ~~[(38)]~~ (40)(a) "User data" means any information about a user that is automatically  
 556 collected by a government website when a user accesses the government website.

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

558 (i) a user as having requested or obtained specific materials or services from a  
 559 government website;  
 560 (ii) Internet sites visited by a user;  
 561 (iii) the contents of a user's data-storage device;  
 562 (iv) any identifying code linked to a user of a government website; and  
 563 (v) a user's:

564 (A) IP or Mac address; or

565 (B) session ID.

566 ~~[(39)]~~ (41) "Website tracking technology" means any tool used by a government website to:

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

568 (b) collect user data.

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

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

571 **63A-19-202 . Governing board duties.**

572 (1) The governing board shall:

- 573 (a) recommend changes to the state data privacy policy;
- 574 [~~(b)~~] ~~by July 1 of each year, approve the data privacy agenda items for the commission~~
- 575 ~~and make recommendations for additional items for the data privacy agenda;]~~
- 576 [(e)] (b) hear issues raised by the ombudsperson regarding existing governmental entity
- 577 privacy practices;
- 578 [(d)] (c) evaluate and recommend the appropriate:
- 579 (i) structure and placement for the office within state government; and
- 580 (ii) authority to be granted to the office, including any authority to make rules; and
- 581 [(e)] (d) recommend funding mechanisms and strategies for governmental entities to
- 582 enable compliance with data privacy responsibilities, including:
- 583 (i) appropriations;
- 584 (ii) rates;
- 585 (iii) grants; and
- 586 (iv) internal service funds.

- 587 (2) In fulfilling the duties under this part, the governing board may receive and request
- 588 input from:
- 589 (a) governmental entities;
- 590 (b) elected officials;
- 591 (c) subject matter experts; and
- 592 (d) other stakeholders.

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

594 **63A-19-203 . Utah Privacy Commission created.**

- 595 (1) There is created the Utah Privacy Commission.
- 596 (2)(a) The commission shall be composed of [~~12~~] no more than 14 members.
- 597 (b) The governor shall appoint:
- 598 (i) one member who, at the time of appointment provides internet technology services
- 599 for a county;
- 600 (ii) one member with experience in cybersecurity;
- 601 (iii) one member representing private industry in technology;
- 602 (iv) one member representing law enforcement; [~~and~~]
- 603 (v) one member with experience in data privacy law.; and
- 604 (vi) one member who is a private citizen representing the public.
- 605 (c) The State Board of Education shall appoint one member representing public
- 606 education entities and the privacy interests of students.

- 607           ~~[(e)]~~ (d) The state auditor shall appoint:
- 608                 (i) one member with experience in internet technology services;
- 609                 (ii) one member with experience in cybersecurity;
- 610                 (iii) one member representing private industry in technology;
- 611                 (iv) one member with experience in data privacy law; and
- 612                 (v) one member representing municipalities~~[- who, at the time of appointment, has~~
- 613                         ~~expertise in civil liberties law, the ethical use of data, or the impacts of the use of~~
- 614                         ~~a technology on different populations.]~~ .
- 615           ~~[(d)]~~ (e) The attorney general shall appoint:
- 616                 (i) one member with experience as a prosecutor or appellate attorney and with
- 617                         experience in data privacy or civil liberties law; and
- 618                 (ii) one member representing law enforcement.
- 619   (3)(a) Except as provided in Subsection (3)(b), a member is appointed for a term of four
- 620   years.
- 621   (b) The initial appointments of members described in Subsections ~~[(2)(b)(i) through~~
- 622   ~~(b)(iii), (2)(c)(iv) through (c)(v), and (2)(d)(ii)]~~ (2)(b)(i) through (iii), (2)(d)(iv) and
- 623   (v), and (2)(e)(ii) shall be for two-year terms.
- 624   (c) When the term of a current member expires, a member shall be reappointed or a new
- 625   member shall be appointed in accordance with Subsection (2).
- 626   (4)(a) When a vacancy occurs in the membership for any reason, a replacement shall be
- 627   appointed in accordance with Subsection (2) for the unexpired term.
- 628   (b) A member whose term has expired may continue to serve until a replacement is
- 629   appointed.
- 630   (5) The commission shall select officers from the commission's members as the
- 631   commission finds necessary.
- 632   (6)(a) A majority of the members of the commission is a quorum.
- 633         (b) The action of a majority of a quorum constitutes an action of the commission.
- 634   (7) A member may not receive compensation or benefits for the member's service but may
- 635   receive per diem and travel expenses incurred as a member of the commission at the
- 636   rates established by the Division of Finance under:
- 637         (a) Sections 63A-3-106 and 63A-3-107; and
- 638         (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
- 639         63A-3-107.
- 640   (8) A member shall refrain from participating in a review of:

- 641 (a) an entity of which the member is an employee; or  
 642 (b) a technology in which the member has a financial interest.
- 643 (9) The ~~[state auditor]~~ office shall provide staff and support to the commission.
- 644 (10) The commission shall meet up to 12 times a year to accomplish the duties described in  
 645 Section 63A-19-204.
- 646 (11)(a) The commission shall, in accordance with Title 63G, Chapter 3, Utah  
 647 Administrative Rulemaking Act, make rules establishing participation requirements  
 648 for commission members.
- 649 (b) A commission member who fails to meet the participation requirements established  
 650 under Subsection (11)(a) may be removed by the official who appointed the member  
 651 in accordance with Subsection (2).
- 652 Section 9. Section **63A-19-204** is amended to read:  
 653 **63A-19-204 . Commission duties.**
- 654 (1) The commission shall:
- 655 ~~[(a) annually develop a data privacy agenda that identifies for the upcoming year:]~~  
 656 ~~[(i) governmental entity privacy practices to be reviewed by the commission;]~~  
 657 ~~[(ii) educational and training materials that the commission intends to develop;]~~  
 658 ~~[(iii) any other items related to data privacy the commission intends to study; and]~~  
 659 ~~[(iv) best practices and guiding principles that the commission plans to develop~~  
 660 ~~related to government privacy practices;]~~
- 661 ~~[(b)]~~ (a) develop guiding standards and best practices with respect to government privacy  
 662 practices;
- 663 ~~[(c)]~~ (b) develop educational and training materials that include information about:  
 664 (i) the privacy implications and civil liberties concerns of the privacy practices of  
 665 government entities;  
 666 (ii) best practices for government collection and retention policies regarding personal  
 667 data; and  
 668 (iii) best practices for government personal data security standards; and
- 669 ~~[(d)]~~ (c) review the privacy implications and civil liberties concerns of government  
 670 privacy practices~~[-; and] .~~
- 671 ~~[(e) provide the data privacy agenda to the governing board by May 1 of each year.]~~
- 672 (2) The commission may~~[-, in addition to the approved items in the data privacy agenda~~  
 673 ~~prepared under Subsection (1)(a)]:~~
- 674 (a) review specific government privacy practices~~[- as referred to the commission by the~~

- 675 chief privacy officer described in Section 63A-19-302 or the state privacy auditor  
 676 described in Section 67-3-13];
- 677 ~~[(b) review a privacy practice not accounted for in the data privacy agenda only upon~~  
 678 ~~referral by the chief privacy officer or the state privacy auditor in accordance with~~  
 679 ~~this section;]~~
- 680 ~~[(e)]~~ (b) review and provide recommendations regarding consent mechanisms used by  
 681 governmental entities to collect personal ~~[information]~~ data;
- 682 ~~[(d)]~~ (c) develop and provide recommendations to the Legislature on how to balance  
 683 transparency and public access of public records against an individual's reasonable  
 684 expectations of privacy and data protection;~~and]~~
- 685 ~~[(e)]~~ (d) develop recommendations for legislation regarding the guiding standards and  
 686 best practices the commission has developed in accordance with Subsection (1)(a)~~[-]~~ ;
- 687 (e) endorse any policy, practice, or report of the office; and
- 688 (f) consult with relevant public and private entities in the performance of the  
 689 commission's duties listed in Subsection (1).
- 690 (3) At least annually, on or before October 1, the commission shall report to the ~~[Judiciary]~~  
 691 Government Operations Interim Committee:
- 692 (a) the results of any reviews the commission has conducted;
- 693 (b) the guiding standards and best practices described in Subsection (1)(b); and
- 694 (c) any recommendations for legislation the commission has developed in accordance  
 695 with Subsection (2)(e).
- 696 (4)(a) Upon request by the governing board, a member of the commission shall give an  
 697 update on the work of the commission at any governing board meeting.
- 698 (b) The governing board may at any time instruct the commission to review and report  
 699 upon any privacy developments related to governmental privacy within the scope of  
 700 the commission's duties.
- 701 ~~[(4) At least annually, on or before June 1, the commission shall report to the governing~~  
 702 ~~board regarding:]~~
- 703 ~~[(a) governmental entity privacy practices the commission plans to review in the next~~  
 704 ~~year;]~~
- 705 ~~[(b) any educational and training programs the commission intends to develop in relation~~  
 706 ~~to government data privacy best practices;]~~
- 707 ~~[(c) results of the commission's data privacy practice reviews from the previous year; and]~~
- 708 ~~[(d) recommendations from the commission related to data privacy legislation;~~

709 standards, or best practices.]

710 [~~(5) The data privacy agenda detailed in Subsection (1)(a) does not add to or expand the~~  
711 ~~authority of the commission.]~~

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

713 **63A-19-301 . Utah Office of Data Privacy.**

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

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

717 (3) The office shall:

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

719 (i) assist governmental entities to identify and implement effective and efficient data  
720 privacy practices, tools, and systems that:

721 (A) protect the privacy of personal data;

722 (B) comply with data privacy laws and regulations specific to the governmental  
723 entity, program, or data;

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

725 (D) enable information use and sharing among governmental entities, as allowed  
726 by law; and

727 (ii) account for differences in a governmental entity's resources, capabilities,  
728 populations served, data types, and maturity level regarding data privacy practices;

729 (b) review statutory provisions related to governmental data privacy and records  
730 management to:

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

732 (ii) standardize language;

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

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

735 (ii) potential remedies and accountability mechanisms for non-compliance of a  
736 governmental entity;

737 (iii) ways to expand an individual's control over the individual's personal data  
738 processed by a governmental entity;

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

740 (v) best practices regarding:

741 (A) automated decision making;

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

- 743 (C) the use of website tracking technology;
- 744 (d) monitor high-risk data processing activities within governmental entities;
- 745 (e) coordinate with the Cyber Center to develop an incident response plan for data
- 746 breaches affecting governmental entities;
- 747 (f) coordinate with the state archivist to:
- 748 (i) incorporate data privacy practices into records management; and
- 749 (ii) include data privacy content in the trainings described in Section 63A-12-110; and
- 750 (g) develop, maintain, and make available data privacy training, education, and
- 751 awareness materials that meet the requirements of Section 63A-19-401.2.
- 752 ~~[(g) create a data privacy training program for employees of governmental entities as~~
- 753 ~~described in Section 63A-19-401.3.]~~
- 754 (4) The office may:
- 755 (a) provide expertise and assistance to governmental entities for high-risk data
- 756 processing activities;
- 757 (b) create assessment tools and resources that a governmental entity may use to:
- 758 (i) review, evaluate, and mature the governmental entity's privacy program, practices,
- 759 and processing activities; and
- 760 (ii) evaluate the privacy impact, privacy risk, and privacy compliance of the
- 761 governmental entity's privacy program, practices, and processing activities;
- 762 (c) charge a governmental entity a service fee, established in accordance with Section
- 763 63J-1-504, for providing services that enable a governmental entity to perform the
- 764 governmental entity's duties under Section 63A-19-401, if the governmental entity
- 765 requests the office provide those services;
- 766 (d) bill a state agency, as provided in Section 63J-1-410, for any services the office
- 767 provides to a state agency;
- 768 (e) provide funding to assist a governmental entity in complying with:
- 769 (i) this chapter; and
- 770 (ii) Title 63G, Chapter 2, Part 3, Classification, and Title 63G, Chapter 2, Part 6,
- 771 Collection of Information and Accuracy of Records;
- 772 (f) advise the governing board about widespread or systemic data privacy matters or
- 773 alleged violations;
- 774 (g) work with the Division of Purchasing and General Services to develop cooperative
- 775 contracts that a governmental entity may choose to use to support the governmental
- 776 entity's data privacy compliance;

- 777 (h) make available to governmental entities privacy compliance assessment tools that  
 778 may be used by governmental entities to assess the governmental entity's reasonable  
 779 compliance of processing activities described in this chapter;
- 780 (i) upon request of a governmental entity or on the office's own initiative, issue guidance  
 781 or recommendations regarding:
- 782 (i) interpretation of this chapter;  
 783 (ii) compliance with this chapter; and  
 784 (iii) best practices for data privacy and data governance;
- 785 (j) contract with an institute, component, or department at a state institution of higher  
 786 education to support the office in:
- 787 (i) conducting research and prepare reports regarding data privacy and data  
 788 governance;
- 789 (ii) providing support to the commission;  
 790 (iii) holding data governance summits and educational programs;  
 791 (iv) developing systems and tools to support data privacy and data governance; and  
 792 (v) providing other services in support of the office's duties under this chapter;
- 793 (k) create data governance models that may be used by governmental entities; and  
 794 ~~[(f)]~~ (l) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
 795 Rulemaking Act, to administer this [part] chapter.
- 796 (5)(a) Upon application by a governmental entity, the office may[:]  
 797 ~~[(f)]~~ grant, for a limited period of time, a governmental entity with an:
- 798 ~~[(A)]~~ (i) extension of time to comply with certain requirements of Part 4, Duties of  
 799 Governmental Entities; or
- 800 ~~[(B)]~~ (ii) exemption from complying with certain requirements of Part 4, Duties of  
 801 Governmental Entities[; or] .
- 802 ~~[(ii) allow a governmental entity to establish a data privacy training program for the~~  
 803 ~~governmental entity's employees to complete, instead of the data privacy training~~  
 804 ~~program established by the office under Section 63A-19-401.3, if the~~  
 805 ~~governmental entity's data privacy training program contains the same information~~  
 806 ~~contained in the office's data privacy training program.]~~
- 807 (b) On the office's own initiative, the office may issue a one-time extension to a category  
 808 or group of governmental entities to comply with certain requirements of Part 4,  
 809 Duties of Governmental Entities.
- 810 (c) An extension issued under Subsection (5)(b):

- 811 (i) shall:
- 812 (A) identify the specific duty for which the extension is granted and the section
- 813 that imposes the duty; and
- 814 (B) specify the category or group of governmental entities to which the extension
- 815 applies; and
- 816 (ii) may not be longer than 12 months.

817 (d) An application for an extension or exemption submitted under Subsection [~~(5)(a)(i)~~]

818 ~~(5)(a)~~ shall:

- 819 (i) identify the specific duty from which the governmental entity seeks an extension
- 820 or exemption and the section that imposes that duty; and
- 821 (ii) include a justification for the requested extension or exemption.

822 [~~(e)~~] (e) If the office grants an exemption under Subsection (5)(a), the office shall report

823 at the next board meeting:

- 824 (i) the name of the governmental entity that received an exemption; and
- 825 (ii) the nature of the exemption.

826 [~~(d) The office shall notify the state privacy auditor of any approved extensions or~~

827 ~~exemptions.]~~

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

829 **63A-19-302 . Chief privacy officer -- Appointment -- Powers -- Reporting.**

- 830 (1) The governor shall, with the advice and consent of the Senate, appoint a chief privacy
- 831 officer.
- 832 (2) The chief privacy officer is the director of the office.
- 833 (3) The chief privacy officer:
- 834 (a) shall exercise all powers given to and perform all duties imposed on the office;
- 835 (b) has administrative authority over the office;
- 836 (c) may make changes in office personnel and service functions under the chief privacy
- 837 officer's administrative authority;
- 838 (d) may authorize a designee to assist with the chief privacy officer's responsibilities; and
- 839 (e) shall report annually, on or before [~~October 1~~] June 30, to the [~~Judiciary Interim~~
- 840 ~~Committee]~~ Government Operations Interim Committee regarding:
- 841 (i) recommendations for legislation to address data privacy concerns; and
- 842 (ii) reports received from state agencies regarding the sale or sharing of personal data
- 843 provided under [~~Subsection 63A-19-401(2)(f)(ii).~~] Section 63A-19-401.3.

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

845 **63A-19-401 . Duties of governmental entities.**

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

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

852 (c) A governmental entity that is exempt under Section 63G-2-702, 63G-2-703, or  
853 63G-2-704 from complying with the requirements in Title 63G, Chapter 2, Part 6,  
854 Collection of Information and Accuracy of Records, is exempt from complying with  
855 the requirements in this chapter.

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

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

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

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

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

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

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

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

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

870 (b) A governmental entity that fulfills the reporting requirement under Section  
871 63A-19-401.3 satisfies the requirement to initiate a privacy program under  
872 Subsection (2)(a)(i).

873 (3) A governmental entity may not:

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

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

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

878 Section 13. Section **63A-19-401.1** is amended to read:

879           **63A-19-401.1 . Privacy annotations.**

- 880           (1)(a) Beginning July 1, 2027, a state agency shall make a complete and accurate  
881           privacy annotation for each record series containing personal data that the state  
882           agency collects, maintains, or uses.
- 883           (b) After July 1, 2027, a state agency that has not [ereated] completed a privacy  
884           annotation for a record series containing personal data, may not collect, maintain, or  
885           use the personal data in the record series.
- 886           (2) If a state agency determines that a record series:
- 887           (a) does not contain personal data, the privacy annotation shall be limited to a statement  
888           indicating that the record series does not include personal data; or
- 889           (b) contains personal data, the privacy annotation shall include:
- 890           (i) an inventory of all types of personal data included in the record series;
- 891           (ii) a description of all purposes for which the state agency collects, keeps, or uses the  
892           personal data;
- 893           (iii) a citation to the state agency's legal authority for collecting, keeping, or using the  
894           personal data; and
- 895           (iv) any other information required by the rules created by the office under Section  
896           63A-19-301.

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

898           **63A-19-401.2 . Training requirements.**

- 899           ~~[(1) The data privacy training program created by the office under Section 63A-4-301 shall~~  
900           ~~be:]~~
- 901           ~~[(a) designed to provide instruction regarding:]~~
- 902           ~~[(i) data privacy best practices, obligations, and responsibilities; and]~~
- 903           ~~[(ii) the relationship between privacy, records management, and security; and]~~
- 904           ~~[(b) required for all employees of a governmental entity who:]~~
- 905           ~~[(i) have access to personal data as part of the employee's work duties; or]~~
- 906           ~~[(ii) supervise an employee who has access to personal data.]~~
- 907           ~~[(2) The training described in Subsection (1) shall be completed:]~~
- 908           ~~[(a) within 30 days after an employee of a governmental entity begins employment; and]~~
- 909           ~~[(b) at least once in each calendar year.]~~
- 910           ~~[(3) A governmental entity is responsible for:]~~
- 911           ~~[(a) ensuring that each employee of the governmental entity completes the data privacy~~  
912           ~~training as required by Subsection (2); and]~~

- 913            ~~[(b) reporting the governmental entity's compliance with the training requirements as~~  
 914            ~~described in Section 63A-19-401.3.]~~
- 915    (1) An employee of a governmental entity shall complete data privacy training that includes  
 916            instruction on:
- 917            (a) data privacy best practices, obligations, and responsibilities;  
 918            (b) the relationship between privacy, records management, and security;  
 919            (c) the privacy interests and requirements of this chapter; and  
 920            (d) as applicable, the privacy interests and requirements of Title 63G, Chapter 2,  
 921            Government Records Access and Management Act.
- 922    (2) An employee of a governmental entity shall complete the data privacy training  
 923            described in Subsection (1) if the employee:
- 924            (a) has access to personal data as part of the employee's assigned duties; or  
 925            (b) supervises an employee who has access to personal data.
- 926    (3) The training described in Subsection (1) shall be completed:
- 927            (a) within 30 days after the day on which the employee begins employment with a  
 928            governmental entity; and  
 929            (b) at least once in each calendar year.
- 930    (4) A governmental entity shall:
- 931            (a) ensure that each employee described in Subsection (2) completes a data privacy  
 932            training that meets the requirements described in Subsection (1); and  
 933            (b) report the percentage of the governmental entity's employees required to complete  
 934            the data privacy training under this section that have completed the training as part of  
 935            the privacy program report described in Section 63A-19-401.3.
- 936    (5) A governmental entity may use the data privacy training created by the office to satisfy  
 937            the requirements of this section, or may provide separate data privacy training that meets  
 938            the requirements of this section.
- 939            Section 15. Section **63A-19-401.3** is amended to read:
- 940            **63A-19-401.3 . Privacy program report.**
- 941    (1) On or before December 31 of each year, the chief administrative officer of each  
 942            governmental entity shall prepare a report that includes:
- 943            (a) ~~[whether]~~ how the governmental entity has initiated ~~[a]~~ the governmental entity's  
 944            privacy program;
- 945            (b) a description of:
- 946            (i) ~~[any privacy practices implemented by the governmental entity]~~ the governmental

- 947 entity's privacy program including privacy practices;  
 948 (ii) strategies for improving and maturing the governmental entity's privacy program  
 949 and practices; and  
 950 (iii) the governmental entity's high-risk processing activities;  
 951 (c) a list of the types of personal data the governmental entity currently shares, sells, or  
 952 purchases;  
 953 (d) the legal basis for sharing, selling, or purchasing personal data;  
 954 (e) the category of individuals or entities:  
 955 (i) with whom the governmental entity shares personal data;  
 956 (ii) to whom the governmental entity sells personal data; or  
 957 (iii) from whom the governmental entity purchases personal data;  
 958 (f) ~~[the percentage of the governmental entity's employees that have fulfilled the data~~  
 959 ~~privacy training requirements described in Section 63A-19-401.2]~~ the percentage of  
 960 the governmental entity's employees required to complete the data privacy training  
 961 under Section 63A-19-401.2 that have completed the training; and  
 962 (g) a description of any non-compliant processing activities identified under Subsection  
 963 63A-19-401(2)(a)(iv) and the governmental entity's strategy for bringing those  
 964 activities into compliance with this part.  
 965 (2) The report described in Subsection (1) shall be:  
 966 (a) ~~[shall be]~~ considered a protected record under Section 63G-2-305;[- and]  
 967 (b) ~~[may be made available at the request of the office.]~~ shared with the office, in  
 968 accordance with Section 63G-2-206, on or before December 31 each year; and  
 969 (c) retained by the governmental entity for no less than five years.

970 Section 16. Section **63A-19-401.4** is amended to read:

971 **63A-19-401.4 . Requirements for contractors.**

- 972 (1) Except as provided in Subsection (4), a contractor that processes or has access to  
 973 personal data as a part of the contractor's duties under a contract with a governmental  
 974 entity is subject to the requirements of this chapter to the same extent as the  
 975 governmental entity for any personal data the contractor processes or has access to under  
 976 a contract with the governmental entity.  
 977 (2) A contract entered into or renewed between a contractor and a governmental entity after  
 978 July 1, [2026] 2027, shall contain specific language that requires a contractor to comply  
 979 with the requirements of this chapter with regard to the personal data processed or  
 980 accessed by the contractor as a part of the contractor's duties under a contract to the

981 same extent as required of the governmental entity.

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

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

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

988 **63A-19-403 . Procedure to request amendment or correction of personal data.**

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

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

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

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

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

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

1000 **63A-19-405 . Data breach notification to the Cyber Center and the Office of the**  
1001 **Attorney General.**

1002 (1) As used in this section, "data breach" means:

1003 (a) the unauthorized access, unauthorized acquisition, unauthorized disclosure, loss of  
1004 access, or unauthorized destruction of personal data affecting 500 or more  
1005 individuals; or

1006 (b) a compromise of the security, confidentiality, availability, or integrity of the  
1007 computer systems used by a governmental entity.

1008 (2)(a) A governmental entity that identifies a security incident shall:

1009 (i) determine whether the security incident constitutes a data breach; and

1010 (ii) document the governmental entity's determination under Subsection (2)(a)(i).

1011 (b) A governmental entity that [~~identifies a data breach affecting 500 or more~~  
1012 ~~individuals shall notify the Cyber Center and the attorney general of the data breach.]~~  
1013 determines under Subsection (2)(a) that a security incident constitutes a data breach  
1014 shall provide notification of the data breach to:

- 1015 (i) the attorney general; and
- 1016 (ii) the Cyber Center in accordance with Section 63A-16-1103.
- 1017 ~~[(b)]~~ (c) In addition to the notification required by Subsection ~~[(1)(a),]~~ (2)(b), a
- 1018 governmental entity that identifies the unauthorized access, acquisition, disclosure,
- 1019 loss of access, or destruction of data that compromises the security, confidentiality,
- 1020 availability, or integrity of the computer systems used or information maintained by
- 1021 the governmental entity shall ~~[notify]~~ provide notification to the Cyber Center in
- 1022 accordance with Section 63A-16-1103.
- 1023 ~~[(2)]~~ (3) The notification under Subsection ~~[(1)-]~~ (2) shall:
- 1024 (a) be made without unreasonable delay, but no later than five days from the discovery
- 1025 of the data breach; and
- 1026 (b) include the following information:
- 1027 (i) the date and time the data breach occurred;
- 1028 (ii) the date the data breach was discovered;
- 1029 (iii) a short description of the data breach that occurred;
- 1030 (iv) the means by which access was gained to the system, computer, or network;
- 1031 (v) the person who perpetrated the data breach;
- 1032 (vi) steps the governmental entity is or has taken to mitigate the impact of the data
- 1033 breach; and
- 1034 (vii) any other details requested by the Cyber Center.
- 1035 ~~[(3)]~~ (4) For a data breach ~~[under]~~ described in Subsection ~~[(1)(a),]~~ (2)(b) the governmental
- 1036 entity shall provide the following information to the Cyber Center and the attorney
- 1037 general in addition to the information required under Subsection ~~[(2)(b)]~~ (3)(b):
- 1038 (a) the total number of individuals affected by the data breach, including the total
- 1039 number of Utah residents affected; and
- 1040 (b) the type of personal data involved in the data breach.
- 1041 ~~[(4)]~~ (5) If the information required by Subsections ~~[(2)(b)]~~ (3)(b) and ~~[(3)]~~ (4) is not
- 1042 available within five days of discovering the breach, the governmental entity shall
- 1043 provide as much of the information required under Subsections ~~[(2)(b)]~~ (3)(b) and ~~[(3)-]~~
- 1044 (4) as is available and supplement the notification with additional information as soon as
- 1045 the information becomes available.
- 1046 ~~[(5)(a)]~~ A governmental entity that experiences a data breach affecting fewer than 500
- 1047 individuals shall create an internal incident report containing the information in
- 1048 Subsection (2)(b) as soon as practicable and shall provide additional information as

1049 the information becomes available.]

1050 [(b) A governmental entity shall provide to the Cyber Center:]

1051 [(i) an internal incident report described in Subsection (5)(a) upon request of the  
1052 Cyber Center; and]

1053 [(ii) an annual report logging all of the governmental entity's data breach incidents  
1054 affecting fewer than 500 individuals.]

1055 Section 19. Section **63A-19-406** is amended to read:

1056 **63A-19-406 . Data breach notice to individuals affected by data breach.**

1057 (1) As used in this section, "data breach" means the unauthorized access, unauthorized  
1058 acquisition, unauthorized disclosure, loss of access, or unauthorized destruction of  
1059 personal data held by a governmental entity, unless the governmental entity concludes  
1060 that there is a low probability that personal data has been compromised.

1061 [(+) (2)(a) Except as provided in Subsection [(+)(b),-] (2)(b), a governmental entity shall [  
1062 provide] cause a data breach notice to be sent to an individual or legal guardian of an  
1063 individual affected by the data breach:

1064 (i) after determining the scope of the data breach;

1065 (ii) after restoring the reasonable integrity of the affected system, if necessary; and

1066 (iii) without unreasonable delay except as provided in Subsection [(2)-] (3).

1067 (b) A governmental entity or the governmental entity's contractor is not required to  
1068 provide a data breach notice to an affected individual as described in Subsection [  
1069 (+)(a)-] (2)(a) if the:

1070 (i) personal data involved in the data breach would be classified as a public record  
1071 under Section 63G-2-301; and

1072 (ii) the governmental entity prominently posts notice of the data breach on the  
1073 homepage of the governmental entity's government website.

1074 [(2)] (3) A governmental entity or the governmental entity's contractor shall delay providing  
1075 notification under Subsection [(+)-] (2) at the request of a law enforcement agency that  
1076 determines that notification may impede a criminal investigation, until [such time as-]the  
1077 law enforcement agency informs the governmental entity that notification will no longer  
1078 impede the criminal investigation.

1079 [(3)] (4) The data breach notice to an affected individual shall include:

1080 (a) a description of the data breach;

1081 (b) the individual's personal data that was accessed or may have been accessed;

1082 (c) steps the governmental entity is taking or has taken to mitigate the impact of the data

- 1083           breach; and
- 1084           (d) recommendations to the individual on how to protect [~~themselves~~] the individual
- 1085           from identity theft and other financial losses[ ~~and~~] .
- 1086           [~~(e) any other language required by the Cyber Center.~~]
- 1087           [(4)] (5) Unless the governmental entity reasonably believes that providing notification
- 1088           would pose a threat to the safety of an individual, or unless an individual has designated
- 1089           to the governmental entity a preferred method of communication, a governmental entity
- 1090           or the governmental entity's contractor shall provide notice by:
- 1091           (a)(i) email, if reasonably available and allowed by law; or
- 1092           (ii) mail; and
- 1093           (b) one of the following methods, if the individual's contact information is reasonably
- 1094           available and the method is allowed by law:
- 1095           (i) text message with a summary of the data breach notice and instructions for
- 1096           accessing the full notice; or
- 1097           (ii) telephone message with a summary of the data breach notice and instructions for
- 1098           accessing the full data breach notice.
- 1099           [(5)] (6) A governmental entity shall also provide a data breach notice in a manner that is
- 1100           reasonably calculated to have the best chance of being received by the affected
- 1101           individual or the legal guardian of an individual, such as through a press release, posting
- 1102           on appropriate social media accounts, or publishing notice in a newspaper of general
- 1103           circulation when:
- 1104           (a) a data breach affects more than 500 individuals; and
- 1105           (b) a governmental entity is unable to obtain an individual's contact information to
- 1106           provide notice for any method listed in Subsection [~~(4)-~~] (5).
- 1107           Section 20. Section **63A-19-407** is enacted to read:
- 1108           **63A-19-407 . Technology transparency study -- Report to Legislature.**
- 1109           (1) The office and the commission shall jointly study the implementation of processing
- 1110           activities for which an individual's personal data may be collected without the ability to
- 1111           provide direct notice:
- 1112           (a) the public safety benefits and legitimate governmental purposes served by the
- 1113           processing activities described in this Subsection (1);
- 1114           (b) the privacy implications of the processing activities described in this Subsection (1);
- 1115           and
- 1116           (c) appropriate frameworks for governing the processing activities described in this

- 1117            Subsection (1) by governmental entities.
- 1118            (2) In conducting the study described in Subsection (1), the office and the commission shall
- 1119            solicit input from:
- 1120            (a) state and local law enforcement agencies;
- 1121            (b) civil liberties organizations;
- 1122            (c) governmental entities that use or are considering the use of data collection
- 1123            technology; and
- 1124            (d) other interested stakeholders.
- 1125            (3) On or before the November 2027 interim meeting, the office shall report the findings
- 1126            and recommendations of the study described in Subsection (2) to the Government
- 1127            Operations Interim Committee, including any recommended legislation.

1128            Section 21. Section **63A-19-408**, which is renumbered from Section 63G-2-303 is renumbered

1129 and amended to read:

1130            **[63G-2-303] 63A-19-408 . Private information concerning certain government**

1131 **employees.**

- 1132            (1) As used in this section:
- 1133            (a) "At-risk government employee" means a current or former:
- 1134            (i) peace officer as specified in Section 53-13-102;
- 1135            (ii) state or federal judge of an appellate, district, justice, or juvenile court, or court
- 1136            commissioner;
- 1137            (iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;
- 1138            (iv) judge authorized by Armed Forces, Title 10, United States Code;
- 1139            (v) federal prosecutor;
- 1140            (vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;
- 1141            (vii) law enforcement official as defined in Section 53-5a-311;
- 1142            (viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or
- 1143            (ix) state or local government employee who, because of the unique nature of the
- 1144            employee's regular work assignments or because of one or more recent credible
- 1145            threats directed to or against the employee, would be at immediate and substantial
- 1146            risk of physical harm if the employee's personal information is disclosed.
- 1147            (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an
- 1148            at-risk government employee who is living with the employee.
- 1149            (c) "Personal information" means the employee's or the employee's family member's
- 1150            home address, home telephone number, personal mobile telephone number, personal

- 1151 pager number, personal email address, social security number, insurance coverage,  
1152 marital status, or payroll deductions.
- 1153 (2)(a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may  
1154 file a written application that:
- 1155 (i) gives notice of the employee's status as an at-risk government employee to each  
1156 agency of a government entity holding a record or a part of a record that would  
1157 disclose the employee's personal information; and
  - 1158 (ii) requests that the government agency classify those records or parts of records as  
1159 private.
- 1160 (b) An at-risk government employee desiring to file an application under this section  
1161 may request assistance from the government agency to identify the individual records  
1162 containing personal information.
- 1163 (c) Each government agency shall develop a form that:
- 1164 (i) requires the at-risk government employee to designate each specific record or part  
1165 of a record containing the employee's personal information that the applicant  
1166 desires to be classified as private;
  - 1167 (ii) affirmatively requests that the government entity holding those records classify  
1168 them as private;
  - 1169 (iii) informs the employee that by submitting a completed form the employee may  
1170 not receive official announcements affecting the employee's property, including  
1171 notices about proposed municipal annexations, incorporations, or zoning  
1172 modifications; and
  - 1173 (iv) contains a place for the signature required under Subsection (2)(d).
- 1174 (d) A form submitted by an employee under Subsection (2)(c) shall be signed by the  
1175 highest ranking elected or appointed official in the employee's chain of command  
1176 certifying that the employee submitting the form is an at-risk government employee.
- 1177 (3) A county recorder, county treasurer, county auditor, or a county tax assessor may fully  
1178 satisfy the requirements of this section by:
- 1179 (a) providing a method for the assessment roll and index and the tax roll and index that  
1180 will block public access to the home address, home telephone number, situs address,  
1181 and Social Security number; and
  - 1182 (b) providing the at-risk government employee requesting the classification with a  
1183 disclaimer informing the employee that the employee may not receive official  
1184 announcements affecting the employee's property, including notices about proposed

- 1185 annexations, incorporations, or zoning modifications.
- 1186 (4) A government agency holding records of an at-risk government employee classified as  
1187 private under this section may release the record or part of the record if:
- 1188 (a) the employee or former employee gives written consent;
- 1189 (b) a court orders release of the records;
- 1190 (c) the government agency receives a certified death certificate for the employee or  
1191 former employee; or
- 1192 (d) as it relates to the employee's voter registration record:
- 1193 (i) the person to whom the record or part of the record is released is a qualified  
1194 person under Subsection 20A-2-104(4)(n); and
- 1195 (ii) the government agency's release of the record or part of the record complies with  
1196 the requirements of Subsection 20A-2-104(4)(o).
- 1197 (5)(a) If the government agency holding the private record receives a subpoena for the  
1198 records, the government agency shall attempt to notify the at-risk government  
1199 employee or former employee by mailing a copy of the subpoena to the employee's  
1200 last-known mailing address together with a request that the employee either:
- 1201 (i) authorize release of the record; or
- 1202 (ii) within 10 days of the date that the copy and request are mailed, deliver to the  
1203 government agency holding the private record a copy of a motion to quash filed  
1204 with the court who issued the subpoena.
- 1205 (b) The government agency shall comply with the subpoena if the government agency  
1206 has:
- 1207 (i) received permission from the at-risk government employee or former employee to  
1208 comply with the subpoena;
- 1209 (ii) not received a copy of a motion to quash within 10 days of the date that the copy  
1210 of the subpoena was mailed; or
- 1211 (iii) received a court order requiring release of the records.
- 1212 (6)(a) Except as provided in Subsection (6)(b), a form submitted under this section  
1213 remains in effect until the earlier of:
- 1214 (i) four years after the date the employee signs the form, whether or not the  
1215 employee's employment terminates before the end of the four-year period; and
- 1216 (ii) one year after the government agency receives official notice of the death of the  
1217 employee.
- 1218 (b) A form submitted under this section may be rescinded at any time by:

- 1219 (i) the at-risk government employee who submitted the form; or  
 1220 (ii) if the at-risk government employee is deceased, a member of the employee's  
 1221 immediate family.

1222 Section 22. Section **63A-19-501** is amended to read:

1223 **63A-19-501 . Data privacy ombudsperson.**

1224 (1) ~~[The governor shall appoint a data privacy ombudsperson with the advice of the~~  
 1225 ~~governing board.]~~ There is created within the office the position of data privacy  
 1226 ombudsperson.

1227 (2) The governor shall appoint the ombudsperson with the advice of the governing board.

1228 ~~[(2)]~~ (3) The ombudsperson shall:

1229 (a) be an attorney in good standing and authorized to practice law in this state;

1230 (b) be familiar with the provisions of:

1231 (i) this chapter;

1232 (ii) Chapter 12, Division of Archives and Records Service and Management of  
 1233 Government Records; and

1234 (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and

1235 ~~[(b)]~~ (c) serve as a resource for:

1236 (i) an individual who is making [or responding to a complaint about a governmental  
 1237 entity's data privacy practice] a data privacy complaint; and

1238 (ii) a governmental entity [which] that is the subject of a data privacy complaint.

1239 ~~[(3)]~~ (4) The ombudsperson may[-] :

1240 (a)(i) upon request by a governmental entity or individual, mediate [data privacy  
 1241 disputes between individuals and governmental entities] a dispute between the  
 1242 governmental entity and the individual regarding the individual's data privacy  
 1243 complaint; and

1244 (ii) upon resolution of a data privacy complaint described in Subsection (4)(a)(i), post  
 1245 on the office's website a brief summary of the data privacy complaint and the  
 1246 resolution of the matter; and

1247 (b) provide data privacy education and training in accordance with Subsection  
 1248 63A-19-301(3)(g).

1249 (5) The ombudsperson may not:

1250 (a) mediate a dispute between a governmental entity and an individual if the individual's  
 1251 data privacy complaint is within the authority of:

1252 (i) the Government Records Office created in Section 63A-12-202; or

- 1253           (ii) the government records ombudsman established in Section 63A-12-204;  
 1254           (b) expand the scope of a mediation beyond the individual's data privacy complaint;  
 1255           (c) testify, or be compelled to testify, regarding a matter for which the ombudsperson  
 1256               provides services under this section; or  
 1257           (d) conduct an audit of a governmental entity's privacy practices.

1258 [~~4~~] (6) After consultation with the chief privacy officer, the ombudsperson may raise [  
 1259           issues] matters and questions [before] to the governing board[~~regarding serious and~~  
 1260           repeated violations of data privacy from:] .

1261           ~~[(a) a specific governmental entity; or]~~

1262           ~~[(b) widespread governmental entity data privacy practices.]~~

1263 [~~5~~] ~~When a data privacy complaint has been resolved, the ombudsperson shall post on the~~  
 1264           ~~office's website a summary of the complaint and the resolution of the matter.]~~

1265           Section 23. Section **63A-19-502** is enacted to read:

1266           **63A-19-502 . Data privacy complaint process.**

1267           (1) An individual who makes a data privacy complaint shall first submit the complaint to  
 1268               the chief administrative officer of the governmental entity that is the subject of the  
 1269               complaint.

1270           (2) Upon receipt of a data privacy complaint under Subsection (1), the chief administrative  
 1271               officer shall attempt to resolve the complaint with the individual.

1272           (3) If the chief administrative officer is unable to resolve a data privacy complaint with the  
 1273               individual under Subsection (2), the individual or the governmental entity may request  
 1274               mediation with the ombudsperson in accordance with Section 63A-19-501.

1275           (4) If an individual submits a data privacy complaint directly to the ombudsperson, the  
 1276               ombudsperson shall:

1277               (a) notify the individual and the governmental entity that the complaint will be referred  
 1278                 to the chief administrative officer of the governmental entity; and

1279               (b) refer the complaint to the chief administrative officer.

1280           (5) This section does not apply to a complaint about data privacy that is within the authority  
 1281               of:

1282               (a) the Government Records Office created in Section 63A-12-202; or

1283               (b) the government records ombudsman established in Section 63A-12-204.

1284           Section 24. Section **63G-2-201** is amended to read:

1285           **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,**  
 1286           **protected, and other restricted records -- Disclosure and nondisclosure of records --**

- 1287 **Certified copy of record -- Limits on obligation to respond to record request.**
- 1288 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public
- 1289 record free of charge, and the right to take a copy of a public record during normal
- 1290 working hours, subject to Sections 63G-2-203 and 63G-2-204.
- 1291 (b) A right under Subsection (1)(a) does not apply with respect to a record:
- 1292 (i) a copy of which the governmental entity has already provided to the person;
- 1293 (ii) that is the subject of a records request that the governmental entity is not required
- 1294 to fill under Subsection (7)(a)(v); or
- 1295 (iii)(A) that is accessible only by a computer or other electronic device owned or
- 1296 controlled by the governmental entity;
- 1297 (B) that is part of an electronic file that also contains a record that is private,
- 1298 controlled, or protected; and
- 1299 (C) that the governmental entity cannot readily segregate from the part of the
- 1300 electronic file that contains a private, controlled, or protected record.
- 1301 (2) A record is public unless otherwise expressly provided by statute.
- 1302 (3) The following records are not public:
- 1303 (a) a record that is private, controlled, or protected under Sections 63G-2-302, [
- 1304 ~~63G-2-303~~] 63A-19-408, 63G-2-304, and 63G-2-305; and
- 1305 (b) a record to which access is restricted pursuant to court rule, another state statute,
- 1306 federal statute, or federal regulation, including records for which access is governed
- 1307 or restricted as a condition of participation in a state or federal program or for
- 1308 receiving state or federal funds.
- 1309 (4) Only a record specified in Section 63G-2-302, [~~63G-2-303~~] 63A-19-408, 63G-2-304, or
- 1310 63G-2-305 may be classified private, controlled, or protected.
- 1311 (5)(a) A governmental entity may not disclose a record that is private, controlled, or
- 1312 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),
- 1313 Section 63G-2-202, 63G-2-206, or [~~63G-2-303~~] 63A-19-408.
- 1314 (b) A governmental entity may disclose a record that is private under Subsection
- 1315 63G-2-302(2) or protected under Section 63G-2-305 to persons other than those
- 1316 specified in Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or
- 1317 a designee, determines that:
- 1318 (i) there is no interest in restricting access to the record; or
- 1319 (ii) the interests favoring access are greater than or equal to the interest favoring
- 1320 restriction of access.

- 1321 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may  
1322 disclose a record that is protected under Subsection 63G-2-305(51) if:
- 1323 (i) the head of the governmental entity, or a designee, determines that the disclosure:
- 1324 (A) is mutually beneficial to:
- 1325 (I) the subject of the record;
- 1326 (II) the governmental entity; and
- 1327 (III) the public; and
- 1328 (B) serves a public purpose related to:
- 1329 (I) public safety; or
- 1330 (II) consumer protection; and
- 1331 (ii) the person who receives the record from the governmental entity agrees not to use  
1332 or allow the use of the record for advertising or solicitation purposes.
- 1333 (6) A governmental entity shall provide a person with a certified copy of a record if:
- 1334 (a) the person requesting the record has a right to inspect it;
- 1335 (b) the person identifies the record with reasonable specificity; and
- 1336 (c) the person pays the lawful fees.
- 1337 (7)(a) In response to a request, a governmental entity is not required to:
- 1338 (i) create a record;
- 1339 (ii) compile, format, manipulate, package, summarize, or tailor information;
- 1340 (iii) provide a record in a particular format, medium, or program not currently  
1341 maintained by the governmental entity;
- 1342 (iv) fulfill a person's records request if the request unreasonably duplicates prior  
1343 records requests from that person;
- 1344 (v) fill a person's records request if:
- 1345 (A) the record requested is:
- 1346 (I) publicly accessible online; or
- 1347 (II) included in a public publication or product produced by the governmental  
1348 entity receiving the request; and
- 1349 (B) the governmental entity:
- 1350 (I) specifies to the person requesting the record where the record is accessible  
1351 online; or
- 1352 (II) provides the person requesting the record with the public publication or  
1353 product and specifies where the record can be found in the public  
1354 publication or product; or

- 1355 (vi) fulfill a person's records request if:
- 1356 (A) the person has been determined under Section 63G-2-209 to be a vexatious
- 1357 requester;
- 1358 (B) the order of the director of the Government Records Office determining the
- 1359 person to be a vexatious requester provides that the governmental entity is not
- 1360 required to fulfill a request from the person for a period of time; and
- 1361 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 1362 (b) A governmental entity shall conduct a reasonable search for a requested record.
- 1363 (8)(a) Although not required to do so, a governmental entity may, upon request from the
- 1364 person who submitted the records request, compile, format, manipulate, package,
- 1365 summarize, or tailor information or provide a record in a format, medium, or program
- 1366 not currently maintained by the governmental entity.
- 1367 (b) In determining whether to fulfill a request described in Subsection (8)(a), a
- 1368 governmental entity may consider whether the governmental entity is able to fulfill
- 1369 the request without unreasonably interfering with the governmental entity's duties
- 1370 and responsibilities.
- 1371 (c) A governmental entity may require a person who makes a request under Subsection
- 1372 (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for
- 1373 providing the information or record as requested.
- 1374 (9)(a) Notwithstanding any other provision of this chapter, and subject to Subsection
- 1375 (9)(b), a governmental entity is not required to respond to, or provide a record in
- 1376 response to, a record request if the request is submitted by or in behalf of an
- 1377 individual who is on parole or confined in a jail or other correctional facility
- 1378 following the individual's conviction.
- 1379 (b) Subsection (9)(a) does not apply to:
- 1380 (i) the first five record requests submitted to the governmental entity by or in behalf
- 1381 of an individual described in Subsection (9)(a) during any calendar year
- 1382 requesting only a record that contains a specific reference to the individual; or
- 1383 (ii) a record request that is submitted by an attorney of an individual described in
- 1384 Subsection (9)(a).
- 1385 (10)(a) A governmental entity may allow a person requesting more than 50 pages of
- 1386 records to copy the records if:
- 1387 (i) the records are contained in files that do not contain records that are exempt from
- 1388 disclosure, or the records may be segregated to remove private, protected, or

- 1389 controlled information from disclosure; and
- 1390 (ii) the governmental entity provides reasonable safeguards to protect the public from
- 1391 the potential for loss of a public record.
- 1392 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:
- 1393 (i) provide the requester with the facilities for copying the requested records and
- 1394 require that the requester make the copies; or
- 1395 (ii) allow the requester to provide the requester's own copying facilities and personnel
- 1396 to make the copies at the governmental entity's offices and waive the fees for
- 1397 copying the records.
- 1398 (11)(a) A governmental entity that owns an intellectual property right and that offers the
- 1399 intellectual property right for sale or license may control by ordinance or policy the
- 1400 duplication and distribution of the material based on terms the governmental entity
- 1401 considers to be in the public interest.
- 1402 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections
- 1403 granted to the governmental entity under federal copyright or patent law as a result of
- 1404 its ownership of the intellectual property right.
- 1405 (12) A governmental entity may not use the physical form, electronic or otherwise, in
- 1406 which a record is stored to deny, or unreasonably hinder the rights of a person to inspect
- 1407 and receive a copy of a record under this chapter.
- 1408 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide
- 1409 access to an electronic copy of a record in lieu of providing access to its paper
- 1410 equivalent if:
- 1411 (a) the person making the request requests or states a preference for an electronic copy;
- 1412 (b) the governmental entity currently maintains the record in an electronic format that is
- 1413 reproducible and may be provided without reformatting or conversion; and
- 1414 (c) the electronic copy of the record:
- 1415 (i) does not disclose other records that are exempt from disclosure; or
- 1416 (ii) may be segregated to protect private, protected, or controlled information from
- 1417 disclosure without the undue expenditure of public resources or funds.
- 1418 (14) In determining whether a record is properly classified as private under Subsection
- 1419 63G-2-302(2)(d), the governmental entity, the director of the Government Records
- 1420 Office, local appeals board, or court shall consider and weigh:
- 1421 (a) any personal privacy interests, including those in images, that would be affected by
- 1422 disclosure of the records in question; and

1423 (b) any public interests served by disclosure.

1424 Section 25. Section **63G-2-301** is amended to read:

1425 **63G-2-301 . Public records.**

1426 (1) As used in this section:

1427 (a) "Business address" means a single address of a governmental agency designated for  
1428 the public to contact an employee or officer of the governmental agency.

1429 (b) "Business email address" means a single email address of a governmental agency  
1430 designated for the public to contact an employee or officer of the governmental  
1431 agency.

1432 (c) "Business telephone number" means a single telephone number of a governmental  
1433 agency designated for the public to contact an employee or officer of the  
1434 governmental agency.

1435 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

1436 (2) The following records are public except to the extent they contain information expressly  
1437 permitted to be treated confidentially under the provisions of Subsections  
1438 63G-2-201(3)(b) and (6)(a):

1439 (a) laws;

1440 (b) the name, gender, gross compensation, job title, job description, business address,  
1441 business email address, business telephone number, number of hours worked per pay  
1442 period, dates of employment, and relevant education, previous employment, and  
1443 similar job qualifications of a current or former employee or officer of the  
1444 governmental entity, excluding:

1445 (i) undercover law enforcement personnel; and

1446 (ii) investigative personnel if disclosure could reasonably be expected to impair the  
1447 effectiveness of investigations or endanger any individual's safety;

1448 (c) final opinions, including concurring and dissenting opinions, and orders that are  
1449 made by a governmental entity in an administrative, adjudicative, or judicial  
1450 proceeding except that if the proceedings were properly closed to the public, the  
1451 opinion and order may be withheld to the extent that they contain information that is  
1452 private, controlled, or protected;

1453 (d) final interpretations of statutes or rules by a governmental entity unless classified as  
1454 protected as provided in Subsection 63G-2-305(17) or (18);

1455 (e) information contained in or compiled from a transcript, minutes, or report of the open  
1456 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,

- 1457 Open and Public Meetings Act, including the records of all votes of each member of  
1458 the governmental entity;
- 1459 (f) judicial records unless a court orders the records to be restricted under the rules of  
1460 civil or criminal procedure or unless the records are private under this chapter;
- 1461 (g) unless otherwise classified as private under Section [63G-2-303] 63A-19-408, records  
1462 or parts of records filed with or maintained by county recorders, clerks, treasurers,  
1463 surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the  
1464 School and Institutional Trust Lands Administration, the Division of Oil, Gas, and  
1465 Mining, the Division of Water Rights, or other governmental entities that give public  
1466 notice of:
- 1467 (i) titles or encumbrances to real property;
- 1468 (ii) restrictions on the use of real property;
- 1469 (iii) the capacity of persons to take or convey title to real property; or
- 1470 (iv) tax status for real and personal property;
- 1471 (h) records of the Department of Commerce that evidence incorporations, mergers, name  
1472 changes, and uniform commercial code filings;
- 1473 (i) data on individuals that would otherwise be private under this chapter if the  
1474 individual who is the subject of the record has given the governmental entity written  
1475 permission to make the records available to the public;
- 1476 (j) documentation of the compensation that a governmental entity pays to a contractor or  
1477 private provider;
- 1478 (k) summary data;
- 1479 (l) voter registration records, including an individual's voting history, except for a voter  
1480 registration record or those parts of a voter registration record that are classified as  
1481 private under Subsections 63G-2-302(1)(j) through (n) or withheld under Subsection  
1482 20A-2-104(7);
- 1483 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if  
1484 available, and email address, if available, where that elected official may be reached  
1485 as required in Title 11, Chapter 47, Access to Elected Officials;
- 1486 (n) for a school community council member, a telephone number, if available, and email  
1487 address, if available, where that elected official may be reached directly as required  
1488 in Section 53G-7-1203;
- 1489 (o) annual audited financial statements of the Utah Educational Savings Plan described  
1490 in Section 53H-10-210; and

- 1491 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as  
1492 defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 1493 (3) The following records are normally public, but to the extent that a record is expressly  
1494 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),  
1495 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 1496 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 1497 (b) records documenting a contractor's or private provider's compliance with the terms  
1498 of a contract with a governmental entity;
- 1499 (c) records documenting the services provided by a contractor or a private provider to  
1500 the extent the records would be public if prepared by the governmental entity;
- 1501 (d) contracts entered into by a governmental entity;
- 1502 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds  
1503 by a governmental entity;
- 1504 (f) records relating to government assistance or incentives publicly disclosed, contracted  
1505 for, or given by a governmental entity, encouraging a person to expand or relocate a  
1506 business in Utah, except as provided in Subsection 63G-2-305(35);
- 1507 (g) chronological logs and initial contact reports;
- 1508 (h) correspondence by and with a governmental entity in which the governmental entity  
1509 determines or states an opinion upon the rights of the state, a political subdivision,  
1510 the public, or any person;
- 1511 (i) empirical data contained in drafts if:
- 1512 (i) the empirical data is not reasonably available to the requester elsewhere in similar  
1513 form; and
- 1514 (ii) the governmental entity is given a reasonable opportunity to correct any errors or  
1515 make nonsubstantive changes before release;
- 1516 (j) drafts that are circulated to anyone other than:
- 1517 (i) a governmental entity;
- 1518 (ii) a political subdivision;
- 1519 (iii) a federal agency if the governmental entity and the federal agency are jointly  
1520 responsible for implementation of a program or project that has been legislatively  
1521 approved;
- 1522 (iv) a government-managed corporation; or
- 1523 (v) a contractor or private provider;
- 1524 (k) drafts that have never been finalized but were relied upon by the governmental entity

- 1525 in carrying out action or policy;
- 1526 (l) original data in a computer program if the governmental entity chooses not to  
1527 disclose the program;
- 1528 (m) arrest warrants after issuance, except that, for good cause, a court may order  
1529 restricted access to arrest warrants prior to service;
- 1530 (n) search warrants after execution and filing of the return, except that a court, for good  
1531 cause, may order restricted access to search warrants prior to trial;
- 1532 (o) records that would disclose information relating to formal charges or disciplinary  
1533 actions against a past or present governmental entity employee if:
- 1534 (i) the disciplinary action has been completed and all time periods for administrative  
1535 appeal have expired; and
- 1536 (ii) the charges on which the disciplinary action was based were sustained;
- 1537 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and  
1538 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that  
1539 evidence mineral production on government lands;
- 1540 (q) final audit reports;
- 1541 (r) occupational and professional licenses;
- 1542 (s) business licenses;
- 1543 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar  
1544 records used to initiate proceedings for discipline or sanctions against persons  
1545 regulated by a governmental entity, but not including records that initiate employee  
1546 discipline; and
- 1547 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding  
1548 the operation of a correctional facility or the care and control of inmates  
1549 committed to the custody of a correctional facility; and
- 1550 (ii) records that disclose the results of an audit or other inspection assessing a  
1551 correctional facility's compliance with a standard, regulation, policy, guideline, or  
1552 rule described in Subsection (3)(u)(i).
- 1553 (4) The list of public records in this section is not exhaustive and should not be used to limit  
1554 access to records.

1555 Section 26. Section **63G-2-302** is amended to read:

1556 **63G-2-302 . Private records.**

- 1557 (1) The following records are private:
- 1558 (a) records concerning an individual's eligibility for unemployment insurance benefits,

- 1559 social services, welfare benefits, or the determination of benefit levels;
- 1560 (b) records containing data on individuals describing medical history, diagnosis,
- 1561 condition, treatment, evaluation, or similar medical data;
- 1562 (c) records of publicly funded libraries that when examined alone or with other records
- 1563 identify a patron;
- 1564 (d) records received by or generated by or for:
- 1565 (i) the Independent Legislative Ethics Commission, except for:
- 1566 (A) the commission's summary data report that is required under legislative rule;
- 1567 and
- 1568 (B) any other document that is classified as public under legislative rule; or
- 1569 (ii) a Senate or House Ethics Committee in relation to the review of ethics
- 1570 complaints, unless the record is classified as public under legislative rule;
- 1571 (e) records received by, or generated by or for, the Independent Executive Branch Ethics
- 1572 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,
- 1573 Review of Executive Branch Ethics Complaints;
- 1574 (f) records received or generated for a Senate confirmation committee concerning
- 1575 character, professional competence, or physical or mental health of an individual:
- 1576 (i) if, prior to the meeting, the chair of the committee determines release of the
- 1577 records:
- 1578 (A) reasonably could be expected to interfere with the investigation undertaken by
- 1579 the committee; or
- 1580 (B) would create a danger of depriving a person of a right to a fair proceeding or
- 1581 impartial hearing; and
- 1582 (ii) after the meeting, if the meeting was closed to the public;
- 1583 (g) employment records concerning a current or former employee of, or applicant for
- 1584 employment with, a governmental entity that would disclose that individual's home
- 1585 address, home telephone number, social security number, insurance coverage, marital
- 1586 status, or payroll deductions;
- 1587 (h) records or parts of records under Section [~~63G-2-303~~] 63A-19-408 that a current or
- 1588 former employee identifies as private according to the requirements of that section;
- 1589 (i) that part of a record indicating a person's social security number or federal employer
- 1590 identification number if provided under Section 31A-23a-104, 31A-25-202,
- 1591 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 1592 (j) that part of a voter registration record identifying a voter's:

- 1593 (i) driver license or identification card number;
- 1594 (ii) social security number, or last four digits of the social security number;
- 1595 (iii) email address;
- 1596 (iv) date of birth; or
- 1597 (v) phone number;
- 1598 (k) a voter registration record that is classified as a private record by the lieutenant
- 1599 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
- 1600 20A-2-204(4)(b);
- 1601 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 1602 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
- 1603 verification submitted in support of the form;
- 1604 (n) a record or information regarding whether a voter returned a ballot with postage
- 1605 attached;
- 1606 (o) a record that:
- 1607 (i) contains information about an individual;
- 1608 (ii) is voluntarily provided by the individual; and
- 1609 (iii) goes into an electronic database that:
- 1610 (A) is designated by and administered under the authority of the [~~Chief~~
- 1611 ~~Information Officer~~] chief information officer; and
- 1612 (B) acts as a repository of information about the individual that can be
- 1613 electronically retrieved and used to facilitate the individual's online interaction
- 1614 with a state agency;
- 1615 (p) information provided to the [~~Commissioner of Insurance~~] commissioner of insurance
- 1616 under:
- 1617 (i) Subsection 31A-23a-115(3)(a);
- 1618 (ii) Subsection 31A-23a-302(4); or
- 1619 (iii) Subsection 31A-26-210(4);
- 1620 (q) information obtained through a criminal background check under Title 11, Chapter
- 1621 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 1622 (r) information provided by an offender that is:
- 1623 (i) required by the registration requirements of Title 53, Chapter 29, Sex, Kidnap, and
- 1624 Child Abuse Offender Registry; and
- 1625 (ii) not required to be made available to the public under Subsection 53-29-404(3)(a);
- 1626 (s) a statement and any supporting documentation filed with the attorney general in

- 1627 accordance with Section 34-45-107, if the federal law or action supporting the filing  
1628 involves homeland security;
- 1629 (t) electronic toll collection customer account information received or collected under  
1630 Section 72-6-118 and customer information described in Section 17B-2a-815  
1631 received or collected by a public transit district, including contact and payment  
1632 information and customer travel data;
- 1633 (u) an email address provided by a military or overseas voter under Section 20A-16-501;
- 1634 (v) a completed military-overseas ballot that is electronically transmitted under Title  
1635 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 1636 (w) records received by or generated by or for the Political Subdivisions Ethics Review  
1637 Commission established in Section 63A-15-201, except for:
- 1638 (i) the commission's summary data report that is required in Section 63A-15-202; and  
1639 (ii) any other document that is classified as public in accordance with Title 63A,  
1640 Chapter 15, Political Subdivisions Ethics Review Commission;
- 1641 (x) a record described in Section 53G-9-604 that verifies that a parent was notified of an  
1642 incident or threat;
- 1643 (y) a criminal background check or credit history report conducted in accordance with  
1644 Section 63A-3-201;
- 1645 (z) a record described in Subsection 53-5a-104(7);
- 1646 (aa) on a record maintained by a county for the purpose of administering property taxes,  
1647 an individual's:
- 1648 (i) email address;
- 1649 (ii) phone number; or
- 1650 (iii) personal financial information related to a person's payment method;
- 1651 (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an  
1652 exemption, deferral, abatement, or relief under:
- 1653 (i) Title 59, Chapter 2, Part 11, Exemptions; or  
1654 (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;
- 1655 (cc) a record provided by the State Tax Commission in response to a request under  
1656 Subsection 59-1-403(4)(y)(iii);
- 1657 (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual  
1658 child welfare case, as described in Subsection 36-33-103(3);
- 1659 (ee) a record relating to drug or alcohol testing of a state employee under Section  
1660 63A-17-1004;

- 1661 (ff) a record relating to a request by a state elected official or state employee who has  
1662 been threatened to the Division of Technology Services to remove personal  
1663 identifying information from the open web under Section 63A-16-109;
- 1664 (gg) a record including confidential information as that term is defined in Section  
1665 67-27-106; and
- 1666 (hh) a record or notice received or generated under Title 53, Chapter 30, Security  
1667 Improvements Act, relating to:
- 1668 (i) an application for certification described in Section 53-30-201; or  
1669 (ii) a security improvement, including a building permit application or building  
1670 permit for a security improvement described in Section 53-30-301.
- 1671 (2) The following records are private if properly classified by a governmental entity:
- 1672 (a) records concerning a current or former employee of, or applicant for employment  
1673 with a governmental entity, including performance evaluations and personal status  
1674 information such as race, religion, or disabilities, but not including records that are  
1675 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under  
1676 Subsection (1)(b);
- 1677 (b) records describing an individual's finances, except that the following are public:
- 1678 (i) records described in Subsection 63G-2-301(2);  
1679 (ii) information provided to the governmental entity for the purpose of complying  
1680 with a financial assurance requirement; or  
1681 (iii) records that must be disclosed in accordance with another statute;
- 1682 (c) records of independent state agencies if the disclosure of those records would  
1683 conflict with the fiduciary obligations of the agency;
- 1684 (d) other records containing data on individuals the disclosure of which constitutes a  
1685 clearly unwarranted invasion of personal privacy;
- 1686 (e) records provided by the United States or by a government entity outside the state that  
1687 are given with the requirement that the records be managed as private records, if the  
1688 providing entity states in writing that the record would not be subject to public  
1689 disclosure if retained by it;
- 1690 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
1691 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the  
1692 identity of a person who made a report of alleged abuse, neglect, or exploitation of a  
1693 vulnerable adult; and
- 1694 (g) audio and video recordings created by a body-worn camera, as defined in Section

- 1695 77-7a-103, that record sound or images inside a home or residence except for  
 1696 recordings that:
- 1697 (i) depict the commission of an alleged crime;
  - 1698 (ii) record any encounter between a law enforcement officer and a person that results  
 1699 in death or bodily injury, or includes an instance when an officer fires a weapon;
  - 1700 (iii) record any encounter that is the subject of a complaint or a legal proceeding  
 1701 against a law enforcement officer or law enforcement agency;
  - 1702 (iv) contain an officer-involved critical incident as defined in Subsection  
 1703 76-2-408(1)(f); or
  - 1704 (v) have been requested for reclassification as a public record by a subject or  
 1705 authorized agent of a subject featured in the recording.

1706 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,  
 1707 statements, history, diagnosis, condition, treatment, and evaluation.

- 1708 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
 1709 doctors, or affiliated entities are not private records or controlled records under  
 1710 Section 63G-2-304 when the records are sought:
  - 1711 (i) in connection with any legal or administrative proceeding in which the patient's  
 1712 physical, mental, or emotional condition is an element of any claim or defense; or
  - 1713 (ii) after a patient's death, in any legal or administrative proceeding in which any  
 1714 party relies upon the condition as an element of the claim or defense.

- 1715 (c) Medical records are subject to production in a legal or administrative proceeding  
 1716 according to state or federal statutes or rules of procedure and evidence as if the  
 1717 medical records were in the possession of a nongovernmental medical care provider.

1718 Section 27. Section **63G-2-601** is amended to read:

1719 **63G-2-601 . Rights of individuals on whom data is maintained -- Classification**  
 1720 **statement filed with state archivist -- Notice to provider of information.**

- 1721 (1)(a) Each governmental entity shall file with the state archivist a statement explaining,  
 1722 for each record series collected, maintained, or used by the governmental entity, the  
 1723 purposes for which each private or controlled record in the record series is collected,  
 1724 maintained, or used by that governmental entity.
- 1725 (b) The statement filed under Subsection (1)(a):
  - 1726 (i) shall identify the authority under which the governmental entity collects the  
 1727 records or information included in the statement described in Subsection (1)(a);  
 1728 and

- 1729 (ii) is a public record.
- 1730 (2) A governmental entity may only use the information contained in a controlled or private
- 1731 record for:
- 1732 (a) the purposes described in the statement provided under Subsection (1); or
- 1733 (b) the purposes for which another governmental entity may use the record under
- 1734 Section 63G-2-206.
- 1735 [~~(2)(a) A governmental entity shall provide the notice described in this Subsection (2)~~
- 1736 ~~to a person that is asked to furnish information that could be classified as a private or~~
- 1737 ~~controlled record.]~~
- 1738 [(b) ~~The notice required under Subsection (2)(a) shall:]~~
- 1739 [(i) ~~identify the record series that includes the information described in Subsection~~
- 1740 ~~(2)(a);]~~
- 1741 [(ii) ~~state the reasons the person is asked to furnish the information;]~~
- 1742 [(iii) ~~state the intended uses of the information;]~~
- 1743 [(iv) ~~state the consequences for refusing to provide the information; and]~~
- 1744 [(v) ~~disclose the classes of persons and the governmental entities that currently:]~~
- 1745 ~~[(A) share the information with the governmental entity; or]~~
- 1746 ~~[(B) receive the information from the governmental entity on a regular or~~
- 1747 ~~contractual basis.]~~
- 1748 [(c) ~~The governmental entity shall:]~~
- 1749 [(i) ~~post the notice required under this Subsection (2) in a prominent place at all~~
- 1750 ~~locations where the governmental entity collects the information; or]~~
- 1751 [(ii) ~~include the notice required under this Subsection (2) as part of the documents or~~
- 1752 ~~forms that are used by the governmental entity to collect the information.]~~
- 1753 [(3) ~~Upon request, each governmental entity shall, in relation to the information described~~
- 1754 ~~in Subsection (2)(a), as applicable, explain to a person:]~~
- 1755 [(a) ~~the reasons the person is asked to furnish information;]~~
- 1756 [(b) ~~the intended uses of the information;]~~
- 1757 [(c) ~~the consequences for refusing to provide the information; and]~~
- 1758 [(d) ~~the reasons and circumstances under which the information may be shared with, or~~
- 1759 ~~provided to, other persons or governmental entities.]~~
- 1760 [(4) ~~A governmental entity may use the information that the governmental entity is required~~
- 1761 ~~to disclose under Subsection (2)(a) only for those purposes:]~~
- 1762 [(a) ~~given in the statement filed with the state archivist under Subsection (1); or]~~

1763 ~~[(b) for which another governmental entity may use the record under Section 63G-2-206.]~~

1764 Section 28. Section **63G-2-803** is amended to read:

1765 **63G-2-803 . No individual liability for certain decisions of a governmental entity.**

1766 (1) Neither the governmental entity, nor any officer or employee of the governmental  
1767 entity, is liable for damages resulting from the release of a record where the person or  
1768 government requesting the record presented evidence of authority to obtain the record  
1769 even if it is subsequently determined that the requester had no authority.

1770 (2) Neither the governmental entity, nor any officer or employee of the governmental  
1771 entity, is liable for damages arising from the negligent disclosure of records classified as  
1772 private under Subsection 63G-2-302(1)(g) unless:

1773 (a) the disclosure was of employment records maintained by the governmental entity; or

1774 (b) the current or former government employee had previously filed the notice required  
1775 by Section ~~[63G-2-303]~~ 63A-19-408 and:

1776 (i) the government entity did not take reasonable steps to preclude access or  
1777 distribution of the record; or

1778 (ii) the release of the record was otherwise willfully or grossly negligent.

1779 (3) A mailing from a government agency to an individual who has filed an application  
1780 under Section ~~[63G-2-303]~~ 63A-19-408 is not a wrongful disclosure under this chapter or  
1781 under Title 63A, Chapter 12, Division of Archives and Records Service and  
1782 Management of Government Records.

1783 Section 29. Section **67-1a-15** is amended to read:

1784 **67-1a-15 . Local government and limited purpose entity registry.**

1785 (1) As used in this section:

1786 (a) "Entity" means a limited purpose entity or a local government entity.

1787 (b)(i) "Limited purpose entity" means a legal entity that:

1788 (A) performs a single governmental function or limited governmental functions;  
1789 and

1790 (B) is not a state executive branch agency, a state legislative office, or within the  
1791 judicial branch.

1792 (ii) "Limited purpose entity" includes:

1793 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as  
1794 those terms are defined in Section 26B-6-101;

1795 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;

1796 (C) community reinvestment agencies, as that term is defined in Section

- 1797 17C-1-102;
- 1798 (D) conservation districts, as that term is defined in Section 17D-3-102;
- 1799 (E) governmental nonprofit corporations, as that term is defined in Section
- 1800 11-13a-102;
- 1801 (F) housing authorities, as that term is defined in Section 35A-8-401;
- 1802 (G) independent entities and independent state agencies, as those terms are
- 1803 defined in Section 63E-1-102;
- 1804 (H) interlocal entities, as that term is defined in Section 11-13-103;
- 1805 (I) local building authorities, as that term is defined in Section 17D-2-102;
- 1806 (J) special districts, as that term is defined in Section 17B-1-102;
- 1807 (K) local health departments, as that term is defined in Section 26A-1-102;
- 1808 (L) local mental health authorities, as that term is defined in Section 62A-15-102;
- 1809 (M) nonprofit corporations that receive an amount of money requiring an
- 1810 accounting report under Section 51-2a-201.5;
- 1811 (N) school districts under Title 53G, Chapter 3, School District Creation and
- 1812 Change;
- 1813 (O) special service districts, as that term is defined in Section 17D-1-102; and
- 1814 (P) substance abuse authorities, as that term is defined in Section 62A-15-102.
- 1815 (c) "Local government and limited purpose entity registry" or "registry" means the
- 1816 registry of local government entities and limited purpose entities created under this
- 1817 section.
- 1818 (d) "Local government entity" means:
- 1819 (i) a county, as that term is defined in Section 17-60-101; and
- 1820 (ii) a municipality, as that term is defined in Section 10-1-104.
- 1821 (e) "Notice of failure to register" means the notice the lieutenant governor sends, in
- 1822 accordance with Subsection (7)(a), to an entity that does not register.
- 1823 (f) "Notice of failure to renew" means the notice the lieutenant governor sends to a
- 1824 registered entity, in accordance with Subsection (7)(b).
- 1825 (g) "Notice of noncompliance" means the notice the lieutenant governor sends to a
- 1826 registered entity, in accordance with Subsection (6)(c).
- 1827 (h) "Notice of non-registration" means the notice the lieutenant governor sends to an
- 1828 entity and the state auditor, in accordance with Subsection (9).
- 1829 (i) "Notice of registration or renewal" means the notice the lieutenant governor sends, in
- 1830 accordance with Subsection (6)(b)(i).

- 1831 (j) "Registered entity" means an entity with a valid registration as described in  
1832 Subsection (8).
- 1833 (2) The lieutenant governor shall:
- 1834 (a) create a registry of each local government entity and limited purpose entity within  
1835 the state that:
- 1836 (i) contains the information described in Subsection (4); and  
1837 (ii) is accessible on the lieutenant governor's website or otherwise publicly available;  
1838 and
- 1839 (b) establish fees for registration and renewal, in accordance with Section 63J-1-504,  
1840 based on and to directly offset the cost of creating, administering, and maintaining  
1841 the registry.
- 1842 (3) Each local government entity and limited purpose entity shall:
- 1843 (a) on or before July 1, 2019, register with the lieutenant governor as described in  
1844 Subsection (4);
- 1845 (b) on or before one year after the day on which the lieutenant governor issues the notice  
1846 of registration or renewal, annually renew the entity's registration in accordance with  
1847 Subsection (5); and
- 1848 (c) on or before 30 days after the day on which any of the information described in  
1849 Subsection (4) changes, send notice of the changes to the lieutenant governor.
- 1850 (4) Each entity shall include the following information in the entity's registration  
1851 submission:
- 1852 (a) the resolution or other legal or formal document creating the entity or, if the  
1853 resolution or other legal or formal document creating the entity cannot be located,  
1854 conclusive proof of the entity's lawful creation;
- 1855 (b) if the entity has geographic boundaries, a map or plat identifying the current  
1856 geographic boundaries of the entity, or if it is impossible or unreasonably expensive  
1857 to create a map or plat, a metes and bounds description, or another legal description  
1858 that identifies the current boundaries of the entity;
- 1859 (c) the entity's name;
- 1860 (d) the entity's type of local government entity or limited purpose entity;
- 1861 (e) the entity's governmental function;
- 1862 (f) the entity's website, physical address, and phone number, including the name and  
1863 contact information of an individual whom the entity designates as the primary  
1864 contact for the entity;

- 1865 (g)(i) names, email addresses, and phone numbers of the members of the entity's  
1866 governing board or commission, managing officers, or other similar managers and  
1867 the method by which the members or officers are appointed, elected, or otherwise  
1868 designated;
- 1869 (ii) the date of the most recent appointment or election of each entity governing board  
1870 or commission member; and
- 1871 (iii) the date of the anticipated end of each entity governing board or commission  
1872 member's term;
- 1873 (h) the entity's sources of revenue; and
- 1874 (i) if the entity has created an assessment area, as that term is defined in Section  
1875 11-42-102, information regarding the creation, purpose, and boundaries of the  
1876 assessment area.
- 1877 (5) Each entity shall include the following information in the entity's renewal submission:
- 1878 (a) identify and update any incorrect or outdated information the entity previously  
1879 submitted during registration under Subsection (4); or
- 1880 (b) certify that the information the entity previously submitted during registration under  
1881 Subsection (4) is correct without change.
- 1882 (6) Within 30 days of receiving an entity's registration or renewal submission, the lieutenant  
1883 governor shall:
- 1884 (a) review the submission to determine compliance with Subsection (4) or (5);
- 1885 (b) if the lieutenant governor determines that the entity's submission complies with  
1886 Subsection (4) or (5):
- 1887 (i) send a notice of registration or renewal that includes the information that the entity  
1888 submitted under Subsection (4) or (5) to:
- 1889 (A) the registering or renewing entity;
- 1890 (B) each county in which the entity operates, either in whole or in part, or where  
1891 the entity's geographic boundaries overlap or are contained within the  
1892 boundaries of the county;
- 1893 (C) the Division of Archives and Records Service; and
- 1894 (D) the Office of the Utah State Auditor; and
- 1895 (ii) publish the information from the submission on the registry, except any email  
1896 address or phone number that is personal information as defined in Section [  
1897 ~~63G-2-303~~] 63A-19-408; and
- 1898 (c) if the lieutenant governor determines that the entity's submission does not comply

- 1899 with Subsection (4) or (5) or is otherwise inaccurate or deficient, send a notice of  
1900 noncompliance to the registering or renewing entity that:
- 1901 (i) identifies each deficiency in the entity's submission with the corresponding  
1902 statutory requirement;
  - 1903 (ii) establishes a deadline to cure the entity's noncompliance that is the first business  
1904 day that is at least 30 calendar days after the day on which the lieutenant governor  
1905 sends the notice of noncompliance; and
  - 1906 (iii) states that failure to comply by the deadline the lieutenant governor establishes  
1907 under Subsection (6)(c)(ii) will result in the lieutenant governor sending a notice  
1908 of non-registration to the Office of the Utah State Auditor, in accordance with  
1909 Subsection (9).
- 1910 (7)(a) If the lieutenant governor identifies an entity that does not make a registration  
1911 submission in accordance with Subsection (4) by the deadline described in  
1912 Subsection (3), the lieutenant governor shall send a notice of failure to register to the  
1913 registered entity that:
- 1914 (i) identifies the statutorily required registration deadline described in Subsection (3)  
1915 that the entity did not meet;
  - 1916 (ii) establishes a deadline to cure the entity's failure to register that is the first  
1917 business day that is at least 10 calendar days after the day on which the lieutenant  
1918 governor sends the notice of failure to register; and
  - 1919 (iii) states that failure to comply by the deadline the lieutenant governor establishes  
1920 under Subsection (7)(a)(ii) will result in the lieutenant governor sending a notice  
1921 of non-registration to the Office of the Utah State Auditor, in accordance with  
1922 Subsection (9).
- 1923 (b) If a registered entity does not make a renewal submission in accordance with  
1924 Subsection (5) by the deadline described in Subsection (3), the lieutenant governor  
1925 shall send a notice of failure to renew to the registered entity that:
- 1926 (i) identifies the renewal deadline described in Subsection (3) that the entity did not  
1927 meet;
  - 1928 (ii) establishes a deadline to cure the entity's failure to renew that is the first business  
1929 day that is at least 30 calendar days after the day on which the lieutenant governor  
1930 sends the notice of failure to renew; and
  - 1931 (iii) states that failure to comply by the deadline the lieutenant governor establishes  
1932 under Subsection (7)(b)(ii) will result in the lieutenant governor sending a notice

1933 of non-registration to the Office of the Utah State Auditor, in accordance with  
1934 Subsection (9).

1935 (8) An entity's registration is valid:

1936 (a) if the entity makes a registration or renewal submission in accordance with the  
1937 deadlines described in Subsection (3);

1938 (b) during the period the lieutenant governor establishes in the notice of noncompliance  
1939 or notice of failure to renew during which the entity may cure the identified  
1940 registration deficiencies; and

1941 (c) for one year beginning on the day the lieutenant governor issues the notice of  
1942 registration or renewal.

1943 (9)(a) The lieutenant governor shall send a notice of non-registration to the Office of the  
1944 Utah State Auditor if an entity fails to:

1945 (i) cure the entity's noncompliance by the deadline the lieutenant governor establishes  
1946 in the notice of noncompliance;

1947 (ii) register by the deadline the lieutenant governor establishes in the notice of failure  
1948 to register; or

1949 (iii) cure the entity's failure to renew by the deadline the lieutenant governor  
1950 establishes in the notice of failure to renew.

1951 (b) The lieutenant governor shall ensure that the notice of non-registration:

1952 (i) includes a copy of the notice of noncompliance, the notice of failure to register, or  
1953 the notice of failure to renew; and

1954 (ii) requests that the state auditor withhold state allocated funds or the disbursement  
1955 of property taxes and prohibit the entity from accessing money held by the state or  
1956 money held in an account of a financial institution, in accordance with  
1957 Subsections 67-3-1(7)(i) and 67-3-1(10).

1958 (10) The lieutenant governor may extend a deadline under this section if an entity notifies  
1959 the lieutenant governor, before the deadline to be extended, of the existence of an  
1960 extenuating circumstance that is outside the control of the entity.

1961 (11)(a) An entity is not required to renew submission of a registration under this section  
1962 if an entity provides a record of dissolution.

1963 (b) The lieutenant governor shall include in the registry an entity's record of dissolution  
1964 and indicate on the registry that the entity is dissolved.

1965 Section 30. Section **67-3-1** is amended to read:

1966 **67-3-1 . Functions and duties.**

- 1967 (1)(a) The state auditor is the auditor of public accounts and is independent of any  
1968 executive or administrative officers of the state.
- 1969 (b) The state auditor is not limited in the selection of personnel or in the determination  
1970 of the reasonable and necessary expenses of the state auditor's office.
- 1971 (2) The state auditor shall examine and certify annually in respect to each fiscal year,  
1972 financial statements showing:
- 1973 (a) the condition of the state's finances;  
1974 (b) the revenues received or accrued;  
1975 (c) expenditures paid or accrued;  
1976 (d) the amount of unexpended or unencumbered balances of the appropriations to the  
1977 agencies, departments, divisions, commissions, and institutions; and  
1978 (e) the cash balances of the funds in the custody of the state treasurer.
- 1979 (3)(a) The state auditor shall:
- 1980 (i) audit each permanent fund, each special fund, the General Fund, and the accounts  
1981 of any department of state government or any independent agency or public  
1982 corporation as the law requires, as the auditor determines is necessary, or upon  
1983 request of the governor or the Legislature;
- 1984 (ii) perform the audits in accordance with generally accepted auditing standards and  
1985 other auditing procedures as promulgated by recognized authoritative bodies; and
- 1986 (iii) as the auditor determines is necessary, conduct the audits to determine:
- 1987 (A) honesty and integrity in fiscal affairs;  
1988 (B) accuracy and reliability of financial statements;  
1989 (C) effectiveness and adequacy of financial controls; and  
1990 (D) compliance with the law.
- 1991 (b) If any state entity receives federal funding, the state auditor shall ensure that the  
1992 audit is performed in accordance with federal audit requirements.
- 1993 (c)(i) The costs of the federal compliance portion of the audit may be paid from an  
1994 appropriation to the state auditor from the General Fund.
- 1995 (ii) If an appropriation is not provided, or if the federal government does not  
1996 specifically provide for payment of audit costs, the costs of the federal compliance  
1997 portions of the audit shall be allocated on the basis of the percentage that each  
1998 state entity's federal funding bears to the total federal funds received by the state.
- 1999 (iii) The allocation shall be adjusted to reflect any reduced audit time required to  
2000 audit funds passed through the state to local governments and to reflect any

- 2001 reduction in audit time obtained through the use of internal auditors working  
2002 under the direction of the state auditor.
- 2003 (4)(a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to  
2004 financial audits, and as the auditor determines is necessary, conduct performance and  
2005 special purpose audits, examinations, and reviews of any entity that receives public  
2006 funds, including a determination of any or all of the following:
- 2007 (i) the honesty and integrity of all the entity's fiscal affairs;
  - 2008 (ii) whether the entity's administrators have faithfully complied with legislative intent;
  - 2009 (iii) whether the entity's operations have been conducted in an efficient, effective, and  
2010 cost-efficient manner;
  - 2011 (iv) whether the entity's programs have been effective in accomplishing the intended  
2012 objectives; and
  - 2013 (v) whether the entity's management, control, and information systems are adequate,  
2014 effective, and secure.
- 2015 (b) The auditor may not conduct performance and special purpose audits, examinations,  
2016 and reviews of any entity that receives public funds if the entity:
- 2017 (i) has an elected auditor; and
  - 2018 (ii) has, within the entity's last budget year, had the entity's financial statements or  
2019 performance formally reviewed by another outside auditor.
- 2020 (5) The state auditor:
- 2021 (a) shall administer any oath or affirmation necessary to the performance of the duties of  
2022 the auditor's office; and
  - 2023 (b) may:
    - 2024 (i) subpoena witnesses and documents, whether electronic or otherwise; and
    - 2025 (ii) examine into any matter that the auditor considers necessary.
- 2026 (6) The state auditor may require all persons who have had the disposition or management  
2027 of any property of this state or its political subdivisions to submit statements regarding  
2028 the property at the time and in the form that the auditor requires.
- 2029 (7) The state auditor shall:
- 2030 (a) except where otherwise provided by law, institute suits in Salt Lake County in  
2031 relation to the assessment, collection, and payment of revenues against:
    - 2032 (i) persons who by any means have become entrusted with public money or property  
2033 and have failed to pay over or deliver the money or property; and
    - 2034 (ii) all debtors of the state;

- 2035 (b) collect and pay into the state treasury all fees received by the state auditor;
- 2036 (c) perform the duties of a member of all boards of which the state auditor is a member
- 2037 by the constitution or laws of the state, and any other duties that are prescribed by the
- 2038 constitution and by law;
- 2039 (d) stop the payment of the salary of any state official or state employee who:
- 2040 (i) refuses to settle accounts or provide required statements about the custody and
- 2041 disposition of public funds or other state property;
- 2042 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
- 2043 board or department head with respect to the manner of keeping prescribed
- 2044 accounts or funds; or
- 2045 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
- 2046 official's or employee's attention;
- 2047 (e) establish accounting systems, methods, and forms for public accounts in all taxing or
- 2048 fee-assessing units of the state in the interest of uniformity, efficiency, and economy;
- 2049 (f) superintend the contractual auditing of all state accounts;
- 2050 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
- 2051 property taxes from a state or local taxing or fee-assessing unit, if necessary, to
- 2052 ensure that officials and employees in those taxing units comply with state laws and
- 2053 procedures in the budgeting, expenditures, and financial reporting of public funds;
- 2054 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
- 2055 if necessary, to ensure that officials and employees in the county comply with
- 2056 Section 59-2-303.1; and
- 2057 (i) withhold state allocated funds or the disbursement of property taxes from a local
- 2058 government entity or a limited purpose entity, as those terms are defined in Section
- 2059 67-1a-15 if the state auditor finds the withholding necessary to ensure that the entity
- 2060 registers and maintains the entity's registration with the lieutenant governor, in
- 2061 accordance with Section 67-1a-15.
- 2062 (8)(a) Except as otherwise provided by law, the state auditor may not withhold funds
- 2063 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received
- 2064 formal written notice of noncompliance from the auditor and has been given 60 days
- 2065 to make the specified corrections.
- 2066 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
- 2067 fee-assessing unit that exclusively assesses fees has not made corrections to comply
- 2068 with state laws and procedures in the budgeting, expenditures, and financial reporting

- 2069 of public funds, the state auditor:
- 2070 (i) shall provide a recommended timeline for corrective actions;
- 2071 (ii) may prohibit the state or local fee-assessing unit from accessing money held by
- 2072 the state; and
- 2073 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
- 2074 account of a financial institution by filing an action in a court with jurisdiction
- 2075 under Title 78A, Judiciary and Judicial Administration, requesting an order of the
- 2076 court to prohibit a financial institution from providing the fee-assessing unit
- 2077 access to an account.
- 2078 (c) The state auditor shall remove a limitation on accessing funds under Subsection (8)(b)
- 2079 upon compliance with state laws and procedures in the budgeting, expenditures, and
- 2080 financial reporting of public funds.
- 2081 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
- 2082 state law, the state auditor:
- 2083 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
- 2084 comply;
- 2085 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
- 2086 state; and
- 2087 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
- 2088 account of a financial institution by:
- 2089 (A) contacting the taxing or fee-assessing unit's financial institution and
- 2090 requesting that the institution prohibit access to the account; or
- 2091 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
- 2092 Judicial Administration, requesting an order of the court to prohibit a financial
- 2093 institution from providing the taxing or fee-assessing unit access to an account.
- 2094 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state law,
- 2095 the state auditor shall eliminate a limitation on accessing funds described in
- 2096 Subsection (8)(d).
- 2097 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
- 2098 received formal written notice of noncompliance from the auditor and has been given 60
- 2099 days to make the specified corrections.
- 2100 (10)(a) The state auditor may not withhold funds under Subsection (7)(i) until the state
- 2101 auditor receives a notice of non-registration, as that term is defined in Section
- 2102 67-1a-15.

- 2103 (b) If the state auditor receives a notice of non-registration, the state auditor may  
2104 prohibit the local government entity or limited purpose entity, as those terms are  
2105 defined in Section 67-1a-15, from accessing:  
2106 (i) money held by the state; and  
2107 (ii) money held in an account of a financial institution by:  
2108 (A) contacting the entity's financial institution and requesting that the institution  
2109 prohibit access to the account; or  
2110 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and  
2111 Judicial Administration, requesting an order of the court to prohibit a financial  
2112 institution from providing the entity access to an account.
- 2113 (c) The state auditor shall remove the prohibition on accessing funds described in  
2114 Subsection (10)(b) if the state auditor received a notice of registration, as that term is  
2115 defined in Section 67-1a-15, from the lieutenant governor.
- 2116 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the state  
2117 auditor:  
2118 (a) shall authorize a disbursement by a local government entity or limited purpose entity,  
2119 as those terms are defined in Section 67-1a-15, or a state or local taxing or  
2120 fee-assessing unit if the disbursement is necessary to:  
2121 (i) avoid a major disruption in the operations of the local government entity, limited  
2122 purpose entity, or state or local taxing or fee-assessing unit; or  
2123 (ii) meet debt service obligations; and  
2124 (b) may authorize a disbursement by a local government entity, limited purpose entity,  
2125 or state or local taxing or fee-assessing unit as the state auditor determines is  
2126 appropriate.
- 2127 (12)(a) The state auditor may seek relief under the Utah Rules of Civil Procedure to take  
2128 temporary custody of public funds if an action is necessary to protect public funds  
2129 from being improperly diverted from their intended public purpose.
- 2130 (b) If the state auditor seeks relief under Subsection (12)(a):  
2131 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);  
2132 and  
2133 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if  
2134 a court orders the public funds to be protected from improper diversion from their  
2135 public purpose.
- 2136 (13) The state auditor shall:

- 2137 (a) establish audit guidelines and procedures for audits of local mental health and  
2138 substance abuse authorities and their contract providers, conducted pursuant to Title  
2139 17, Chapter 77, Local Health and Human Services, Title 26B, Chapter 5, Health Care  
2140 - Substance Use and Mental Health, and Title 51, Chapter 2a, Accounting Reports  
2141 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;  
2142 and
- 2143 (b) ensure that those guidelines and procedures provide assurances to the state that:
- 2144 (i) state and federal funds appropriated to local mental health authorities are used for  
2145 mental health purposes;
- 2146 (ii) a private provider under an annual or otherwise ongoing contract to provide  
2147 comprehensive mental health programs or services for a local mental health  
2148 authority is in compliance with state and local contract requirements and state and  
2149 federal law;
- 2150 (iii) state and federal funds appropriated to local substance abuse authorities are used  
2151 for substance abuse programs and services; and
- 2152 (iv) a private provider under an annual or otherwise ongoing contract to provide  
2153 comprehensive substance abuse programs or services for a local substance abuse  
2154 authority is in compliance with state and local contract requirements, and state and  
2155 federal law.
- 2156 (14)(a) The state auditor may, in accordance with the auditor's responsibilities for  
2157 political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting  
2158 Reports from Political Subdivisions, Interlocal Organizations, and Other Local  
2159 Entities Act, initiate audits or investigations of any political subdivision that are  
2160 necessary to determine honesty and integrity in fiscal affairs, accuracy and reliability  
2161 of financial statements, effectiveness, and adequacy of financial controls and  
2162 compliance with the law.
- 2163 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the  
2164 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor  
2165 may initiate an audit or investigation of the public entity subject to the notice to  
2166 determine compliance with Section 11-41-103.
- 2167 (15)(a) The state auditor may not audit work that the state auditor performed before  
2168 becoming state auditor.
- 2169 (b) If the state auditor has previously been a responsible official in state government  
2170 whose work has not yet been audited, the Legislature shall:

- 2171 (i) designate how that work shall be audited; and  
2172 (ii) provide additional funding for those audits, if necessary.
- 2173 (16) The state auditor shall:
- 2174 (a) with the assistance, advice, and recommendations of an advisory committee  
2175 appointed by the state auditor from among special district boards of trustees, officers,  
2176 and employees and special service district boards, officers, and employees:
- 2177 (i) prepare a Uniform Accounting Manual for Special Districts that:
- 2178 (A) prescribes a uniform system of accounting and uniform budgeting and  
2179 reporting procedures for special districts under Title 17B, Limited Purpose  
2180 Local Government Entities - Special Districts, and special service districts  
2181 under Title 17D, Chapter 1, Special Service District Act;
- 2182 (B) conforms with generally accepted accounting principles; and
- 2183 (C) prescribes reasonable exceptions and modifications for smaller districts to the  
2184 uniform system of accounting, budgeting, and reporting;
- 2185 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to  
2186 reflect generally accepted accounting principles;
- 2187 (iii) conduct a continuing review and modification of procedures in order to improve  
2188 them;
- 2189 (iv) prepare and supply each district with suitable budget and reporting forms; and
- 2190 (v)(A) prepare instructional materials, conduct training programs, and render other  
2191 services considered necessary to assist special districts and special service  
2192 districts in implementing the uniform accounting, budgeting, and reporting  
2193 procedures; and
- 2194 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with  
2195 Title 63G, Chapter 22, State Training and Certification Requirements; and
- 2196 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices  
2197 and experiences of specific special districts and special service districts selected by  
2198 the state auditor and make the information available to all districts.
- 2199 (17)(a) The following records in the custody or control of the state auditor are protected  
2200 records under Title 63G, Chapter 2, Government Records Access and Management  
2201 Act:
- 2202 (i) records that would disclose information relating to allegations of personal  
2203 misconduct, gross mismanagement, or illegal activity of a past or present  
2204 governmental employee if the information or allegation cannot be corroborated by

- 2205 the state auditor through other documents or evidence, and the records relating to  
2206 the allegation are not relied upon by the state auditor in preparing a final audit  
2207 report;
- 2208 (ii) records and audit workpapers to the extent the workpapers would disclose the  
2209 identity of an individual who during the course of an audit, communicated the  
2210 existence of any waste of public funds, property, or manpower, or a violation or  
2211 suspected violation of a law, rule, or regulation adopted under the laws of this  
2212 state, a political subdivision of the state, or any recognized entity of the United  
2213 States, if the information was disclosed on the condition that the identity of the  
2214 individual be protected;
- 2215 (iii) before an audit is completed and the final audit report is released, records or  
2216 drafts circulated to an individual who is not an employee or head of a  
2217 governmental entity for the individual's response or information;
- 2218 (iv) records that would disclose an outline or part of any audit survey plans or audit  
2219 program; and
- 2220 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 2221 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure  
2222 of records or information that relate to a violation of the law by a governmental entity  
2223 or employee to a government prosecutor or peace officer.
- 2224 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to  
2225 the state auditor to classify a document as public, private, controlled, or protected  
2226 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 2227 (d)(i) As used in this Subsection (17)(d), "record dispute" means a dispute between  
2228 the state auditor and the subject of an audit performed by the state auditor as to  
2229 whether the state auditor may release a record, as defined in Section 63G-2-103,  
2230 to the public that the state auditor gained access to in the course of the state  
2231 auditor's audit but which the subject of the audit claims is not subject to disclosure  
2232 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 2233 (ii) The state auditor may submit a record dispute to the director of the Government  
2234 Records Office, created in Section 63A-12-202, for a determination of whether the  
2235 state auditor may, in conjunction with the state auditor's release of an audit report,  
2236 release to the public the record that is the subject of the record dispute.
- 2237 (iii) The state auditor or the subject of the audit may seek judicial review of the  
2238 director's determination, described in Subsection (17)(d)(ii), as provided in

2239 Section 63G-2-404.

2240 (18) If the state auditor conducts an audit of an entity that the state auditor has previously  
 2241 audited and finds that the entity has not implemented a recommendation made by the  
 2242 state auditor in a previous audit, the state auditor shall notify the Legislative  
 2243 Management Committee through the Legislative Management Committee's Audit  
 2244 Subcommittee that the entity has not implemented that recommendation.

2245 [~~(19)~~ The state auditor shall, with the advice and consent of the Senate, appoint the state  
 2246 privacy auditor described in Section 67-3-13.]

2247 [~~(20)~~] (19) Except as provided in Subsection [~~(21)~~] (20), the state auditor shall report, or  
 2248 ensure that another government entity reports, on the financial, operational, and  
 2249 performance metrics for the state system of higher education and the state system of  
 2250 public education, including metrics in relation to students, programs, and schools within  
 2251 those systems.

2252 [~~(21)~~] (20)(a) Notwithstanding Subsection [~~(20)~~] (19), the state auditor shall conduct  
 2253 regular audits of:

- 2254 (i) the scholarship granting organization for the Carson Smith Opportunity  
 2255 Scholarship Program, created in Section 53E-7-402;
- 2256 (ii) the State Board of Education for the Carson Smith Scholarship Program, created  
 2257 in Section 53F-4-302; and
- 2258 (iii) the scholarship program manager for the Utah Fits All Scholarship Program,  
 2259 created in Section 53F-6-402, including an analysis of the cost effectiveness of the  
 2260 program, taking into consideration the amount of the scholarship and the amount  
 2261 of state and local funds dedicated on a per-student basis within the traditional  
 2262 public education system.

2263 (b) Nothing in this subsection limits or impairs the authority of the State Board of  
 2264 Education to administer the programs described in Subsection [~~(21)(a)~~] (20)(a).

2265 [~~(22)~~] (21) The state auditor shall, based on the information posted by the Office of  
 2266 Legislative Research and General Counsel under Subsection 36-12-12.1(2), for each  
 2267 policy, track and post the following information on the state auditor's website:

- 2268 (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);
- 2269 (b) an indication regarding whether the policy is timely adopted, adopted late, or not  
 2270 adopted;
- 2271 (c) an indication regarding whether the policy complies with the requirements  
 2272 established by law for the policy; and

- 2273 (d) a link to the policy.
- 2274 ~~[(23)]~~ (22)(a) A legislator may request that the state auditor conduct an inquiry to
- 2275 determine whether a government entity, government official, or government
- 2276 employee has complied with a legal obligation directly imposed, by statute, on the
- 2277 government entity, government official, or government employee.
- 2278 (b) The state auditor may, upon receiving a request under Subsection ~~[(23)(a)]~~ (22)(a),
- 2279 conduct the inquiry requested.
- 2280 (c) If the state auditor conducts the inquiry described in Subsection ~~[(23)(b)]~~ (22)(b), the
- 2281 state auditor shall post the results of the inquiry on the state auditor's website.
- 2282 (d) The state auditor may limit the inquiry described in this Subsection ~~[(23)]~~ (22) to a
- 2283 simple determination, without conducting an audit, regarding whether the obligation
- 2284 was fulfilled.
- 2285 ~~[(24)]~~ (23) The state auditor shall:
- 2286 (a) ensure compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in
- 2287 accordance with Section 63G-31-401; and
- 2288 (b) report to the Legislative Management Committee, upon request, regarding the state
- 2289 auditor's actions under this Subsection ~~[(24)]~~ (23).
- 2290 ~~[(25)]~~ (24) The state auditor shall report compliance with Sections 67-27-107, 67-27-108,
- 2291 and 67-27-109 by:
- 2292 (a) establishing a process to receive and audit each alleged violation; and
- 2293 (b) reporting to the Legislative Management Committee, upon request, regarding the
- 2294 state auditor's findings and recommendations under this Subsection ~~[(25)]~~ (24).
- 2295 ~~[(26)]~~ (25) The state auditor shall ensure compliance with Section 63G-1-704 regarding the
- 2296 display of flags in or on government property.
- 2297 ~~[(27)]~~ (26)(a) On or before January 31 each year, the state auditor shall prepare a report
- 2298 that states, for each entity that holds public funds as defined in Section 51-7-3, the
- 2299 entity's total balance, as of the last day of the immediately preceding fiscal year, of
- 2300 cash, cash equivalents, and investments, as those terms are defined under the
- 2301 standards established by the Governmental Accounting Standards Board.
- 2302 (b) The state auditor shall make the report described in Subsection ~~[(27)(a)-]~~ (26)(a)
- 2303 publicly available on a website that the state auditor maintains.
- 2304 **Section 31. Repealer.**
- 2305 This bill repeals:
- 2306 **Section 67-3-13, State privacy auditor.**

2307 Section 32. **Effective Date.**

2308 This bill takes effect on May 6, 2026.