

Paul A. Cutler proposes the following substitute bill:

Data Privacy Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Shallenberger

Senate Sponsor: Kirk A. Cullimore

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-2-303**, as last amended by Laws of Utah 2025, Chapter 208

62 **63G-2-601**, as last amended by Laws of Utah 2025, Chapter 475

63 **63G-2-803**, as last amended by Laws of Utah 2013, Chapter 426
 64 **67-1a-15**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17
 65 **67-3-1**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

66 ENACTS:

67 **63A-19-407**, Utah Code Annotated 1953
 68 **63A-19-502**, Utah Code Annotated 1953

69 RENUMBERS AND AMENDS:

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

72 REPEALS:

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

74

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

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

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

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

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

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

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

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

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

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

199 violates a provision of this section, other than Subsection (1).

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

201 **53-18-102 . Definitions.**

202 As used in this chapter:

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

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

- 267 [(5)] (6) "Education entity" means the Utah Board of Higher Education or an institution.
268 [(6)] (7) "Higher education privacy officer" means a privacy officer that the board
269 designates under Section 53H-14-503.
- 270 [(7)] (8) "Minor" means a person younger than 18 years old.
- 271 [(8)] (9)(a) "Personally identifiable student data" means student data that identifies or is
272 used by the holder to identify a student.
- 273 (b) "Personally identifiable student data" includes:
- 274 (i) a student's first and last name;
275 (ii) the first and last name of a student's family member;
276 (iii) a student's or a student's family's home or physical address;
277 (iv) a student's email address or other online contact information;
278 (v) a student's telephone number;
279 (vi) a student's social security number;
280 (vii) a student's biometric identifier;
281 (viii) a student's health or disability data;
282 (ix) a student's education entity student identification number;
283 (x) a student's social media user name and password or alias;
284 (xi) if associated with personally identifiable student data, the student's persistent
285 identifier, including:
286 (A) a customer number held in a cookie; or
287 (B) a processor serial number;
288 (xii) a combination of a student's last name or photograph with other information that
289 together permits a person to contact the student online;
290 (xiii) information about a student or a student's family that a person collects online
291 and combines with other personally identifiable student data to identify the
292 student; and
293 (xiv) information that, alone or in combination, is linked or linkable to a specific
294 student that would allow a reasonable person in the school community, who does
295 not have personal knowledge of the relevant circumstances, to identify the student
296 with reasonable certainty.
- 297 [(9) "State privacy auditor" means the state privacy auditor described in Section 67-3-13.]
- 298 (10) "Student" means an individual enrolled in an institution.
- 299 (11)(a) "Student data" means information about a student at the individual student level.
300 (b) "Student data" does not include aggregate or de-identified data.

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

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

308 **53H-14-502 . State student data protection governance.**

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

335 (ii) annually publish the data governance plan on the Utah System of Higher
336 Education website; and

337 (b) establish standards for:

338 (i) institution policies to protect student data;

339 (ii) institution data governance plans; and

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

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

342 **63A-16-108 . Digital verifiable credential and records.**

343 (1) As used in this section:

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

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

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

347 and

348 (iii) is mathematically verified.

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

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

351 tamper-evident technologies required to create a digital verifiable credential or digital
352 verifiable record that can be registered on a distributed ledger technology.

353 [~~(c)~~] (d) "Digital signature" means a tamper-evident, immutable, electronic seal that is
354 equivalent in function and status to a notary seal issued by a government entity.

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

356 (i) attests to a fact;

357 (ii) is issued by a government entity;

358 (iii) can be mathematically verified; and

359 (iv) conveys rights, privileges, and legal enforceability equivalent to the possession
360 of a physical credential of the same type.

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

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

364 (ii) has a digital signature;

365 (iii) can be mathematically verified; and

366 (iv) conveys rights, privileges, and legal enforceability equivalent to the possession
367 of a physical record of the same type.

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

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

370 [~~(g)~~] (h) "Government entity" means:

371 (i) the state;

372 (ii) a state agency; or

373 (iii) a political subdivision of the state.

374 [~~(h)~~] "~~Government operations privacy officer~~" means the government operations privacy
375 officer described in ~~Section 67-1-17.~~]

376 (i) "State archivist" means the state archivist appointed under Section 63A-12-102.

377 [~~(j)~~] "~~State privacy officer~~" means the state privacy officer described in ~~Section 67-3-13.~~]

378 [~~(k)~~] (j) "State registrar" means the state registrar of vital records appointed under

379 Section 26B-8-102.

380 (2) The Division of Technology Services shall:

381 (a) provide recommendations to government entities regarding:

382 (i) appropriate digital record schemas that allow a government to issue a digital
383 verifiable credential or record;

384 (ii) policies and procedures to protect the privacy of personal identifying information
385 maintained within distributed ledger programs;

386 (iii) the manner and format in which an issuer may certify a document through
387 blockchain; and

388 (iv) processes and procedures for the preservation, auditability, integrity, security,
389 and confidentiality of digital verifiable credentials and records;

390 (b) create a pilot program for the implementation of digital verifiable credentials by
391 governmental entities; and

392 (c) report to Public Utilities, Energy, and Technology Interim Committee by October 31,
393 2023, on the duties described in Subsections (2)(a) and (b).

394 (3) In performing the duties described in Subsections (2)(a) and (b), the Division of
395 Technology Services shall consult with:

396 (a) the state archivist;

397 (b) the chief privacy officer;

398 [~~(b) the state privacy officer;~~]

399 [~~(e) the government operations privacy officer;~~]

400 [~~(d)~~] (c) the state registrar;

401 [~~(e)~~] (d) private industry professionals with relevant expertise;

402 [~~(f)~~] (e) the Utah League of Cities and Towns; and

403 ~~[(g)]~~ (f) an association of counties in the state.

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

405 **63A-19-101 . Definitions.**

406 As used in this chapter:

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

410 (2) "At-risk government employee" means the same as that term is defined in Section [
411 ~~63G-2-303]~~ 63A-19-408.

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

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

415 (5) "Chief administrative officer" means the same as that term is defined in Section
416 63A-12-100.5[-] , and is a separate and distinct role from the chief administrative officer
417 role described in Section 11-50-202, though a governmental entity may designate the
418 same individual to serve in both roles.

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

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

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

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

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

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

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

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

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

432 ~~[(12)]~~ (11) "Data privacy complaint" means a complaint or concern raised by an individual
433 regarding:

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

436 (b) a governmental entity's data privacy practices described in Part 4, Duties of

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

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

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

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

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

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

552 ~~[(36)]~~ (38) "Synthetic data" means artificial data that:

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

555 ~~[(37)]~~ (39) "User" means an individual who accesses a government website.

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

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

559 (i) a user as having requested or obtained specific materials or services from a
 560 government website;
 561 (ii) Internet sites visited by a user;
 562 (iii) the contents of a user's data-storage device;
 563 (iv) any identifying code linked to a user of a government website; and
 564 (v) a user's:
 565 (A) IP or Mac address; or
 566 (B) session ID.

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

568 (a) monitor a user's behavior; or
 569 (b) collect user data.

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

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

572 **63A-19-202 . Governing board duties.**

- 573 (1) The governing board shall:
- 574 (a) recommend changes to the state data privacy policy;
- 575 ~~[(b) by July 1 of each year, approve the data privacy agenda items for the commission~~
- 576 ~~and make recommendations for additional items for the data privacy agenda;]~~
- 577 ~~[(e)]~~ (b) hear issues raised by the ombudsperson regarding existing governmental entity
- 578 privacy practices;
- 579 ~~[(d)]~~ (c) evaluate and recommend the appropriate:
- 580 (i) structure and placement for the office within state government; and
- 581 (ii) authority to be granted to the office, including any authority to make rules; and
- 582 ~~[(e)]~~ (d) recommend funding mechanisms and strategies for governmental entities to
- 583 enable compliance with data privacy responsibilities, including:
- 584 (i) appropriations;
- 585 (ii) rates;
- 586 (iii) grants; and
- 587 (iv) internal service funds.
- 588 (2) In fulfilling the duties under this part, the governing board may receive and request
- 589 input from:
- 590 (a) governmental entities;
- 591 (b) elected officials;
- 592 (c) subject matter experts; and
- 593 (d) other stakeholders.
- 594 Section 8. Section **63A-19-203** is amended to read:
- 595 **63A-19-203 . Utah Privacy Commission created.**
- 596 (1) There is created the Utah Privacy Commission.
- 597 (2)(a) The commission shall be composed of ~~[12]~~ no more than 14 members.
- 598 (b) The governor shall appoint:
- 599 (i) one member who, at the time of appointment provides internet technology services
- 600 for a county;
- 601 (ii) one member with experience in cybersecurity;
- 602 (iii) one member representing private industry in technology;
- 603 (iv) one member representing law enforcement;~~and]~~
- 604 (v) one member with experience in data privacy law.; and
- 605 (vi) one member who is a private citizen representing the public.
- 606 (c) The State Board of Education shall appoint one member representing public

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

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

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

709 ~~[(d) recommendations from the commission related to data privacy legislation;~~
710 ~~standards, or best practices.]~~
711 ~~[(5) The data privacy agenda detailed in Subsection (1)(a) does not add to or expand the~~
712 ~~authority of the commission.]~~

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

714 **63A-19-301 . Utah Office of Data Privacy.**

- 715 (1) There is created within the department the Utah Office of Data Privacy.
- 716 (2) The office shall coordinate with the governing board and the commission to perform the
717 duties in this section.
- 718 (3) The office shall:
- 719 (a) create and maintain a data privacy framework designed to:
- 720 (i) assist governmental entities to identify and implement effective and efficient data
721 privacy practices, tools, and systems that:
- 722 (A) protect the privacy of personal data;
- 723 (B) comply with data privacy laws and regulations specific to the governmental
724 entity, program, or data;
- 725 (C) empower individuals to protect and control their personal data; and
- 726 (D) enable information use and sharing among governmental entities, as allowed
727 by law; and
- 728 (ii) account for differences in a governmental entity's resources, capabilities,
729 populations served, data types, and maturity level regarding data privacy practices;
- 730 (b) review statutory provisions related to governmental data privacy and records
731 management to:
- 732 (i) identify conflicts and gaps in data privacy law; and
- 733 (ii) standardize language;
- 734 (c) work with governmental entities to study, research, and identify:
- 735 (i) additional data privacy practices that are feasible for governmental entities;
- 736 (ii) potential remedies and accountability mechanisms for non-compliance of a
737 governmental entity;
- 738 (iii) ways to expand an individual's control over the individual's personal data
739 processed by a governmental entity;
- 740 (iv) resources needed to develop, implement, and improve data privacy programs; and
- 741 (v) best practices regarding:
- 742 (A) automated decision making;

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

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

- 811 (c) An extension issued under Subsection (5)(b):
- 812 (i) shall:
- 813 (A) identify the specific duty for which the extension is granted and the section
- 814 that imposes the duty; and
- 815 (B) specify the category or group of governmental entities to which the extension
- 816 applies; and
- 817 (ii) may not be longer than 12 months.
- 818 (d) An application for an extension or exemption submitted under Subsection [~~(5)(a)(i)~~]
- 819 ~~(5)(a)~~ shall:
- 820 (i) identify the specific duty from which the governmental entity seeks an extension
- 821 or exemption and the section that imposes that duty; and
- 822 (ii) include a justification for the requested extension or exemption.
- 823 ~~(e)~~ (e) If the office grants an exemption under Subsection (5)(a), the office shall report
- 824 at the next board meeting:
- 825 (i) the name of the governmental entity that received an exemption; and
- 826 (ii) the nature of the exemption.
- 827 ~~[(d) The office shall notify the state privacy auditor of any approved extensions or~~
- 828 ~~exemptions.]~~
- 829 Section 11. Section **63A-19-302** is amended to read:
- 830 **63A-19-302 . Chief privacy officer -- Appointment -- Powers -- Reporting.**
- 831 (1) The governor shall, with the advice and consent of the Senate, appoint a chief privacy
- 832 officer.
- 833 (2) The chief privacy officer is the director of the office.
- 834 (3) The chief privacy officer:
- 835 (a) shall exercise all powers given to and perform all duties imposed on the office;
- 836 (b) has administrative authority over the office;
- 837 (c) may make changes in office personnel and service functions under the chief privacy
- 838 officer's administrative authority;
- 839 (d) may authorize a designee to assist with the chief privacy officer's responsibilities; and
- 840 (e) shall report annually, on or before [~~October 1~~] June 30, to the [~~Judiciary Interim~~
- 841 ~~Committee~~] Government Operations Interim Committee regarding:
- 842 (i) recommendations for legislation to address data privacy concerns; and
- 843 (ii) reports received from state agencies regarding the sale or sharing of personal data
- 844 provided under [~~Subsection 63A-19-401(2)(f)(ii)~~] Section 63A-19-401.3.

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

846 **63A-19-401 . Duties of governmental entities.**

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

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

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

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

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

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

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

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

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

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

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

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

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

874 (3) A governmental entity may not:

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

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

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

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

880 **63A-19-401.1 . Privacy annotations.**

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

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

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

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

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

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

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

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

896 (iv) any other information required by the rules created by the office under Section
897 63A-19-301.

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

899 **63A-19-401.2 . Training requirements.**

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

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

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

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

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

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

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

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

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

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

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

912 [(a) ensuring that each employee of the governmental entity completes the data privacy

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

940 Section 15. Section **63A-19-401.3** is amended to read:

941 **63A-19-401.3 . Privacy program report.**

- 942 (1) On or before December 31 of each year, the chief administrative officer of each
943 governmental entity shall prepare a report that includes:
- 944 (a) ~~[whether]~~ how the governmental entity has initiated ~~[a]~~ the governmental entity's
945 privacy program;
- 946 (b) a description of:

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

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

972 **63A-19-401.4 . Requirements for contractors.**

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

- 981 accessed by the contractor as a part of the contractor's duties under a contract to the
 982 same extent as required of the governmental entity.
- 983 (3) The requirements under this section are in addition to and do not replace any other
 984 requirements or liability that may be imposed for the contractor's violation of other laws
 985 protecting privacy rights or government records.
- 986 (4) A contractor is not subject to the data privacy training program requirements described
 987 in Section 63A-19-401.2.

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

989 **63A-19-403 . Procedure to request amendment or correction of personal data.**

- 990 (1) A governmental entity that collects personal data shall provide a procedure by which an
 991 individual or legal guardian of an individual may request an amendment or correction of:
 992 (a) personal data that has been furnished to the governmental entity[-] ; and
 993 (b) information concerning an identifiable individual contained in a record maintained
 994 by the governmental entity, as allowed by law.
- 995 (2) The procedure by which an individual or legal guardian of an individual may request an
 996 amendment or correction shall comply with all applicable laws and regulations to which
 997 the personal data or information at issue and to which the governmental entity is subject.
- 998 (3) The procedure to request an amendment or correction described in this section does not
 999 obligate the governmental entity to make the requested amendment or correction.

1000 Section 18. Section **63A-19-405** is amended to read:

1001 **63A-19-405 . Data breach notification to the Cyber Center and the Office of the**
 1002 **Attorney General.**

- 1003 (1) As used in this section, "data breach" means:
- 1004 (a) the unauthorized access, unauthorized acquisition, unauthorized disclosure, loss of
 1005 access, or unauthorized destruction of personal data affecting 500 or more
 1006 individuals; or
- 1007 (b) a compromise of the security, confidentiality, availability, or integrity of the
 1008 computer systems used by a governmental entity.
- 1009 (2)(a) A governmental entity that identifies a security incident shall:
- 1010 (i) determine whether the security incident constitutes a data breach; and
 1011 (ii) document the governmental entity's determination under Subsection (2)(a)(i).
- 1012 (b) A governmental entity that [~~identifies a data breach affecting 500 or more~~
 1013 individuals shall notify the Cyber Center and the attorney general of the data breach.]
 1014 determines under Subsection (2)(a) that a security incident constitutes a data breach

1015 shall provide notification of the data breach to:

1016 (i) the attorney general; and

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

1018 ~~[(b)]~~ (c) In addition to the notification required by Subsection ~~[(1)(a),]~~ (2)(b), a
 1019 governmental entity that identifies the unauthorized access, acquisition, disclosure,
 1020 loss of access, or destruction of data that compromises the security, confidentiality,
 1021 availability, or integrity of the computer systems used or information maintained by
 1022 the governmental entity shall ~~[notify]~~ provide notification to the Cyber Center in
 1023 accordance with Section 63A-16-1103.

1024 ~~[(2)]~~ (3) The notification under Subsection ~~[(1)-]~~ (2) shall:

1025 (a) be made without unreasonable delay, but no later than five days from the discovery
 1026 of the data breach; and

1027 (b) include the following information:

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

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

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

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

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

1033 (vi) steps the governmental entity is or has taken to mitigate the impact of the data
 1034 breach; and

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

1036 ~~[(3)]~~ (4) For a data breach ~~[under]~~ described in Subsection ~~[(1)(a),]~~ (2)(b) the governmental
 1037 entity shall provide the following information to the Cyber Center and the attorney
 1038 general in addition to the information required under Subsection ~~[(2)(b)]~~ (3)(b):

1039 (a) the total number of individuals affected by the data breach, including the total
 1040 number of Utah residents affected; and

1041 (b) the type of personal data involved in the data breach.

1042 ~~[(4)]~~ (5) If the information required by Subsections ~~[(2)(b)]~~ (3)(b) and ~~[(3)]~~ (4) is not
 1043 available within five days of discovering the breach, the governmental entity shall
 1044 provide as much of the information required under Subsections ~~[(2)(b)]~~ (3)(b) and ~~[(3)-]~~
 1045 (4) as is available and supplement the notification with additional information as soon as
 1046 the information becomes available.

1047 ~~[(5)(a)]~~ A governmental entity that experiences a data breach affecting fewer than 500
 1048 individuals shall create an internal incident report containing the information in

1049 Subsection (2)(b) as soon as practicable and shall provide additional information as
1050 the information becomes available.]

1051 [(b) A governmental entity shall provide to the Cyber Center:]

1052 (i) an internal incident report described in Subsection (5)(a) upon request of the
1053 Cyber Center; and]

1054 [(ii) an annual report logging all of the governmental entity's data breach incidents
1055 affecting fewer than 500 individuals.]

1056 Section 19. Section **63A-19-406** is amended to read:

1057 **63A-19-406 . Data breach notice to individuals affected by data breach.**

1058 (1) As used in this section, "data breach" means the unauthorized access, unauthorized
1059 acquisition, unauthorized disclosure, loss of access, or unauthorized destruction of
1060 personal data held by a governmental entity, unless the governmental entity concludes
1061 that there is a low probability that personal data has been compromised.

1062 [(1)] (2)(a) Except as provided in Subsection [(1)(b);] (2)(b), a governmental entity shall [
1063 provide] cause a data breach notice to be sent to an individual or legal guardian of an
1064 individual affected by the data breach:

1065 (i) after determining the scope of the data breach;

1066 (ii) after restoring the reasonable integrity of the affected system, if necessary; and

1067 (iii) without unreasonable delay except as provided in Subsection [(2);] (3).

1068 (b) A governmental entity or the governmental entity's contractor is not required to
1069 provide a data breach notice to an affected individual as described in Subsection [
1070 (1)(a)] (2)(a) if the:

1071 (i) personal data involved in the data breach would be classified as a public record
1072 under Section 63G-2-301; and

1073 (ii) the governmental entity prominently posts notice of the data breach on the
1074 homepage of the governmental entity's government website.

1075 [(2)] (3) A governmental entity or the governmental entity's contractor shall delay providing
1076 notification under Subsection [(1);] (2) at the request of a law enforcement agency that
1077 determines that notification may impede a criminal investigation, until [such time as] the
1078 law enforcement agency informs the governmental entity that notification will no longer
1079 impede the criminal investigation.

1080 [(3)] (4) The data breach notice to an affected individual shall include:

1081 (a) a description of the data breach;

1082 (b) the individual's personal data that was accessed or may have been accessed;

1083 (c) steps the governmental entity is taking or has taken to mitigate the impact of the data
1084 breach; and

1085 (d) recommendations to the individual on how to protect [~~themselves~~] the individual
1086 from identity theft and other financial losses[~~; and~~] .

1087 [~~(e) any other language required by the Cyber Center.~~]

1088 [(4)] (5) Unless the governmental entity reasonably believes that providing notification
1089 would pose a threat to the safety of an individual, or unless an individual has designated
1090 to the governmental entity a preferred method of communication, a governmental entity
1091 or the governmental entity's contractor shall provide notice by:

1092 (a)(i) email, if reasonably available and allowed by law; or

1093 (ii) mail; and

1094 (b) one of the following methods, if the individual's contact information is reasonably
1095 available and the method is allowed by law:

1096 (i) text message with a summary of the data breach notice and instructions for
1097 accessing the full notice; or

1098 (ii) telephone message with a summary of the data breach notice and instructions for
1099 accessing the full data breach notice.

1100 [(5)] (6) A governmental entity shall also provide a data breach notice in a manner that is
1101 reasonably calculated to have the best chance of being received by the affected
1102 individual or the legal guardian of an individual, such as through a press release, posting
1103 on appropriate social media accounts, or publishing notice in a newspaper of general
1104 circulation when:

1105 (a) a data breach affects more than 500 individuals; and

1106 (b) a governmental entity is unable to obtain an individual's contact information to
1107 provide notice for any method listed in Subsection [(4)]. (5).

1108 Section 20. Section **63A-19-407** is enacted to read:

1109 **63A-19-407 . Technology transparency study -- Report to Legislature.**

1110 (1) The office and the commission shall jointly study the implementation of processing
1111 activities for which an individual's personal data may be collected without the ability to
1112 provide direct notice:

1113 (a) the public safety benefits and legitimate governmental purposes served by the
1114 processing activities described in this Subsection (1);

1115 (b) the privacy implications of the processing activities described in this Subsection (1);
1116 and

- 1117 (c) appropriate frameworks for governing the processing activities described in this
 1118 Subsection (1) by governmental entities.
- 1119 (2) In conducting the study described in Subsection (1), the office and the commission shall
 1120 solicit input from:
- 1121 (a) state and local law enforcement agencies;
 1122 (b) civil liberties organizations;
 1123 (c) governmental entities that use or are considering the use of data collection
 1124 technology; and
 1125 (d) other interested stakeholders.
- 1126 (3) On or before the November 2027 interim meeting, the office shall report the findings
 1127 and recommendations of the study described in Subsection (2) to the Government
 1128 Operations Interim Committee, including any recommended legislation.

1129 Section 21. Section **63A-19-408**, which is renumbered from Section 63G-2-303 is renumbered
 1130 and amended to read:

1131 **[63G-2-303] 63A-19-408 . Private information concerning certain government**
 1132 **employees.**

1133 (1) As used in this section:

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

1151 home address, home telephone number, personal mobile telephone number, personal
1152 pager number, personal email address, social security number, insurance coverage,
1153 marital status, or payroll deductions.

1154 (2)(a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may
1155 file a written application that:

1156 (i) gives notice of the employee's status as an at-risk government employee to each
1157 agency of a government entity holding a record or a part of a record that would
1158 disclose the employee's personal information; and

1159 (ii) requests that the government agency classify those records or parts of records as
1160 private.

1161 (b) An at-risk government employee desiring to file an application under this section
1162 may request assistance from the government agency to identify the individual records
1163 containing personal information.

1164 (c) Each government agency shall develop a form that:

1165 (i) requires the at-risk government employee to designate each specific record or part
1166 of a record containing the employee's personal information that the applicant
1167 desires to be classified as private;

1168 (ii) affirmatively requests that the government entity holding those records classify
1169 them as private;

1170 (iii) informs the employee that by submitting a completed form the employee may
1171 not receive official announcements affecting the employee's property, including
1172 notices about proposed municipal annexations, incorporations, or zoning
1173 modifications; and

1174 (iv) contains a place for the signature required under Subsection (2)(d).

1175 (d) A form submitted by an employee under Subsection (2)(c) shall be signed by the
1176 highest ranking elected or appointed official in the employee's chain of command
1177 certifying that the employee submitting the form is an at-risk government employee.

1178 (3) A county recorder, county treasurer, county auditor, or a county tax assessor may fully
1179 satisfy the requirements of this section by:

1180 (a) providing a method for the assessment roll and index and the tax roll and index that
1181 will block public access to the home address, home telephone number, situs address,
1182 and Social Security number; and

1183 (b) providing the at-risk government employee requesting the classification with a
1184 disclaimer informing the employee that the employee may not receive official

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

- 1219 (b) A form submitted under this section may be rescinded at any time by:
- 1220 (i) the at-risk government employee who submitted the form; or
- 1221 (ii) if the at-risk government employee is deceased, a member of the employee's
- 1222 immediate family.

1223 Section 22. Section **63A-19-501** is amended to read:

1224 **63A-19-501 . Data privacy ombudsperson.**

- 1225 (1) ~~[The governor shall appoint a data privacy ombudsperson with the advice of the~~
- 1226 ~~governing board.]~~ There is created within the office the position of data privacy
- 1227 ombudsperson.
- 1228 (2) The governor shall appoint the ombudsperson with the advice of the governing board.
- 1229 ~~[(2)]~~ (3) The ombudsperson shall:
- 1230 (a) be an attorney in good standing and authorized to practice law in this state;
- 1231 (b) be familiar with the provisions of:
- 1232 (i) this chapter;
- 1233 (ii) Chapter 12, Division of Archives and Records Service and Management of
- 1234 Government Records; and
- 1235 (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 1236 ~~[(b)]~~ (c) serve as a resource for:
- 1237 (i) an individual who is making ~~[or responding to a complaint about a governmental~~
- 1238 entity's data privacy practice] a data privacy complaint; and
- 1239 (ii) a governmental entity ~~[which] that~~ is the subject of a data privacy complaint.
- 1240 ~~[(3)]~~ (4) The ombudsperson may~~;~~ :
- 1241 (a)(i) upon request by a governmental entity or individual, mediate ~~[data privacy~~
- 1242 disputes between individuals and governmental entities] a dispute between the
- 1243 governmental entity and the individual regarding the individual's data privacy
- 1244 complaint; and
- 1245 (ii) upon resolution of a data privacy complaint described in Subsection (4)(a)(i), post
- 1246 on the office's website a brief summary of the data privacy complaint and the
- 1247 resolution of the matter; and
- 1248 (b) provide data privacy education and training in accordance with Subsection
- 1249 63A-19-301(3)(g).
- 1250 (5) The ombudsperson may not:
- 1251 (a) mediate a dispute between a governmental entity and an individual if the individual's
- 1252 data privacy complaint is within the authority of:

- 1253 (i) the Government Records Office created in Section 63A-12-202; or
 1254 (ii) the government records ombudsman established in Section 63A-12-204;
 1255 (b) expand the scope of a mediation beyond the individual's data privacy complaint;
 1256 (c) testify, or be compelled to testify, regarding a matter for which the ombudsperson
 1257 provides services under this section; or
 1258 (d) conduct an audit of a governmental entity's privacy practices.

1259 [~~4~~] (6) After consultation with the chief privacy officer, the ombudsperson may raise [
 1260 issues] matters and questions [~~before~~] to the governing board[~~regarding serious and~~
 1261 repeated violations of data privacy from:] .

1262 [~~(a) a specific governmental entity; or~~]

1263 [~~(b) widespread governmental entity data privacy practices.~~]

1264 [~~5~~] When a data privacy complaint has been resolved, the ombudsperson shall post on the
 1265 office's website a summary of the complaint and the resolution of the matter.]

1266 Section 23. Section **63A-19-502** is enacted to read:

1267 **63A-19-502 . Data privacy complaint process.**

1268 (1) An individual who makes a data privacy complaint shall first submit the complaint to
 1269 the chief administrative officer of the governmental entity that is the subject of the
 1270 complaint.

1271 (2) Upon receipt of a data privacy complaint under Subsection (1), the chief administrative
 1272 officer shall attempt to resolve the complaint with the individual.

1273 (3) If the chief administrative officer is unable to resolve a data privacy complaint with the
 1274 individual under Subsection (2), the individual or the governmental entity may request
 1275 mediation with the ombudsperson in accordance with Section 63A-19-501.

1276 (4) If an individual submits a data privacy complaint directly to the ombudsperson, the
 1277 ombudsperson shall:

1278 (a) notify the individual and the governmental entity that the complaint will be referred
 1279 to the chief administrative officer of the governmental entity; and

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

1281 (5) This section does not apply to a complaint about data privacy that is within the authority
 1282 of:

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

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

1285 Section 24. Section **63G-2-201** is amended to read:

1286 **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,**

1287 **protected, and other restricted records -- Disclosure and nondisclosure of records --**
1288 **Certified copy of record -- Limits on obligation to respond to record request.**

1289 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public
1290 record free of charge, and the right to take a copy of a public record during normal
1291 working hours, subject to Sections 63G-2-203 and 63G-2-204.

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

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

1294 (ii) that is the subject of a records request that the governmental entity is not required
1295 to fill under Subsection (7)(a)(v); or

1296 (iii)(A) that is accessible only by a computer or other electronic device owned or
1297 controlled by the governmental entity;

1298 (B) that is part of an electronic file that also contains a record that is private,
1299 controlled, or protected; and

1300 (C) that the governmental entity cannot readily segregate from the part of the
1301 electronic file that contains a private, controlled, or protected record.

1302 (2) A record is public unless otherwise expressly provided by statute.

1303 (3) The following records are not public:

1304 (a) a record that is private, controlled, or protected under Sections 63G-2-302, [
1305 ~~63G-2-303~~] 63A-19-408, 63G-2-304, and 63G-2-305; and

1306 (b) a record to which access is restricted pursuant to court rule, another state statute,
1307 federal statute, or federal regulation, including records for which access is governed
1308 or restricted as a condition of participation in a state or federal program or for
1309 receiving state or federal funds.

1310 (4) Only a record specified in Section 63G-2-302, [~~63G-2-303~~] 63A-19-408, 63G-2-304, or
1311 63G-2-305 may be classified private, controlled, or protected.

1312 (5)(a) A governmental entity may not disclose a record that is private, controlled, or
1313 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),
1314 Section 63G-2-202, 63G-2-206, or [~~63G-2-303~~] 63A-19-408.

1315 (b) A governmental entity may disclose a record that is private under Subsection
1316 63G-2-302(2) or protected under Section 63G-2-305 to persons other than those
1317 specified in Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or
1318 a designee, determines that:

1319 (i) there is no interest in restricting access to the record; or

1320 (ii) the interests favoring access are greater than or equal to the interest favoring

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

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

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

1423 disclosure of the records in question; and

1424 (b) any public interests served by disclosure.

1425 Section 25. Section **63G-2-301** is amended to read:

1426 **63G-2-301 . Public records.**

1427 (1) As used in this section:

1428 (a) "Business address" means a single address of a governmental agency designated for
1429 the public to contact an employee or officer of the governmental agency.

1430 (b) "Business email address" means a single email address of a governmental agency
1431 designated for the public to contact an employee or officer of the governmental
1432 agency.

1433 (c) "Business telephone number" means a single telephone number of a governmental
1434 agency designated for the public to contact an employee or officer of the
1435 governmental agency.

1436 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

1437 (2) The following records are public except to the extent they contain information expressly
1438 permitted to be treated confidentially under the provisions of Subsections
1439 63G-2-201(3)(b) and (6)(a):

1440 (a) laws;

1441 (b) the name, gender, gross compensation, job title, job description, business address,
1442 business email address, business telephone number, number of hours worked per pay
1443 period, dates of employment, and relevant education, previous employment, and
1444 similar job qualifications of a current or former employee or officer of the
1445 governmental entity, excluding:

1446 (i) undercover law enforcement personnel; and

1447 (ii) investigative personnel if disclosure could reasonably be expected to impair the
1448 effectiveness of investigations or endanger any individual's safety;

1449 (c) final opinions, including concurring and dissenting opinions, and orders that are
1450 made by a governmental entity in an administrative, adjudicative, or judicial
1451 proceeding except that if the proceedings were properly closed to the public, the
1452 opinion and order may be withheld to the extent that they contain information that is
1453 private, controlled, or protected;

1454 (d) final interpretations of statutes or rules by a governmental entity unless classified as
1455 protected as provided in Subsection 63G-2-305(17) or (18);

1456 (e) information contained in or compiled from a transcript, minutes, or report of the open

- 1457 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,
1458 Open and Public Meetings Act, including the records of all votes of each member of
1459 the governmental entity;
- 1460 (f) judicial records unless a court orders the records to be restricted under the rules of
1461 civil or criminal procedure or unless the records are private under this chapter;
- 1462 (g) unless otherwise classified as private under Section [~~63G-2-303~~] 63A-19-408, records
1463 or parts of records filed with or maintained by county recorders, clerks, treasurers,
1464 surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the
1465 School and Institutional Trust Lands Administration, the Division of Oil, Gas, and
1466 Mining, the Division of Water Rights, or other governmental entities that give public
1467 notice of:
- 1468 (i) titles or encumbrances to real property;
- 1469 (ii) restrictions on the use of real property;
- 1470 (iii) the capacity of persons to take or convey title to real property; or
- 1471 (iv) tax status for real and personal property;
- 1472 (h) records of the Department of Commerce that evidence incorporations, mergers, name
1473 changes, and uniform commercial code filings;
- 1474 (i) data on individuals that would otherwise be private under this chapter if the
1475 individual who is the subject of the record has given the governmental entity written
1476 permission to make the records available to the public;
- 1477 (j) documentation of the compensation that a governmental entity pays to a contractor or
1478 private provider;
- 1479 (k) summary data;
- 1480 (l) voter registration records, including an individual's voting history, except for a voter
1481 registration record or those parts of a voter registration record that are classified as
1482 private under Subsections 63G-2-302(1)(j) through (n) or withheld under Subsection
1483 20A-2-104(7);
- 1484 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if
1485 available, and email address, if available, where that elected official may be reached
1486 as required in Title 11, Chapter 47, Access to Elected Officials;
- 1487 (n) for a school community council member, a telephone number, if available, and email
1488 address, if available, where that elected official may be reached directly as required
1489 in Section 53G-7-1203;
- 1490 (o) annual audited financial statements of the Utah Educational Savings Plan described

- 1491 in Section 53H-10-210; and
- 1492 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as
1493 defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 1494 (3) The following records are normally public, but to the extent that a record is expressly
1495 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
1496 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 1497 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 1498 (b) records documenting a contractor's or private provider's compliance with the terms
1499 of a contract with a governmental entity;
- 1500 (c) records documenting the services provided by a contractor or a private provider to
1501 the extent the records would be public if prepared by the governmental entity;
- 1502 (d) contracts entered into by a governmental entity;
- 1503 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
1504 by a governmental entity;
- 1505 (f) records relating to government assistance or incentives publicly disclosed, contracted
1506 for, or given by a governmental entity, encouraging a person to expand or relocate a
1507 business in Utah, except as provided in Subsection 63G-2-305(35);
- 1508 (g) chronological logs and initial contact reports;
- 1509 (h) correspondence by and with a governmental entity in which the governmental entity
1510 determines or states an opinion upon the rights of the state, a political subdivision,
1511 the public, or any person;
- 1512 (i) empirical data contained in drafts if:
- 1513 (i) the empirical data is not reasonably available to the requester elsewhere in similar
1514 form; and
- 1515 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
1516 make nonsubstantive changes before release;
- 1517 (j) drafts that are circulated to anyone other than:
- 1518 (i) a governmental entity;
- 1519 (ii) a political subdivision;
- 1520 (iii) a federal agency if the governmental entity and the federal agency are jointly
1521 responsible for implementation of a program or project that has been legislatively
1522 approved;
- 1523 (iv) a government-managed corporation; or
- 1524 (v) a contractor or private provider;

- 1525 (k) drafts that have never been finalized but were relied upon by the governmental entity
1526 in carrying out action or policy;
- 1527 (l) original data in a computer program if the governmental entity chooses not to
1528 disclose the program;
- 1529 (m) arrest warrants after issuance, except that, for good cause, a court may order
1530 restricted access to arrest warrants prior to service;
- 1531 (n) search warrants after execution and filing of the return, except that a court, for good
1532 cause, may order restricted access to search warrants prior to trial;
- 1533 (o) records that would disclose information relating to formal charges or disciplinary
1534 actions against a past or present governmental entity employee if:
- 1535 (i) the disciplinary action has been completed and all time periods for administrative
1536 appeal have expired; and
- 1537 (ii) the charges on which the disciplinary action was based were sustained;
- 1538 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and
1539 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
1540 evidence mineral production on government lands;
- 1541 (q) final audit reports;
- 1542 (r) occupational and professional licenses;
- 1543 (s) business licenses;
- 1544 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar
1545 records used to initiate proceedings for discipline or sanctions against persons
1546 regulated by a governmental entity, but not including records that initiate employee
1547 discipline; and
- 1548 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding
1549 the operation of a correctional facility or the care and control of inmates
1550 committed to the custody of a correctional facility; and
- 1551 (ii) records that disclose the results of an audit or other inspection assessing a
1552 correctional facility's compliance with a standard, regulation, policy, guideline, or
1553 rule described in Subsection (3)(u)(i).
- 1554 (4) The list of public records in this section is not exhaustive and should not be used to limit
1555 access to records.

1556 Section 26. Section **63G-2-302** is amended to read:

1557 **63G-2-302 . Private records.**

- 1558 (1) The following records are private:

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

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

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

- 1661 63A-17-1004;
- 1662 (ff) a record relating to a request by a state elected official or state employee who has
1663 been threatened to the Division of Technology Services to remove personal
1664 identifying information from the open web under Section 63A-16-109;
- 1665 (gg) a record including confidential information as that term is defined in Section
1666 67-27-106; and
- 1667 (hh) a record or notice received or generated under Title 53, Chapter 30, Security
1668 Improvements Act, relating to:
- 1669 (i) an application for certification described in Section 53-30-201; or
1670 (ii) a security improvement, including a building permit application or building
1671 permit for a security improvement described in Section 53-30-301.
- 1672 (2) The following records are private if properly classified by a governmental entity:
- 1673 (a) records concerning a current or former employee of, or applicant for employment
1674 with a governmental entity, including performance evaluations and personal status
1675 information such as race, religion, or disabilities, but not including records that are
1676 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under
1677 Subsection (1)(b);
- 1678 (b) records describing an individual's finances, except that the following are public:
- 1679 (i) records described in Subsection 63G-2-301(2);
1680 (ii) information provided to the governmental entity for the purpose of complying
1681 with a financial assurance requirement; or
1682 (iii) records that must be disclosed in accordance with another statute;
- 1683 (c) records of independent state agencies if the disclosure of those records would
1684 conflict with the fiduciary obligations of the agency;
- 1685 (d) other records containing data on individuals the disclosure of which constitutes a
1686 clearly unwarranted invasion of personal privacy;
- 1687 (e) records provided by the United States or by a government entity outside the state that
1688 are given with the requirement that the records be managed as private records, if the
1689 providing entity states in writing that the record would not be subject to public
1690 disclosure if retained by it;
- 1691 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
1692 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
1693 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
1694 vulnerable adult; and

- 1695 (g) audio and video recordings created by a body-worn camera, as defined in Section
 1696 77-7a-103, that record sound or images inside a home or residence except for
 1697 recordings that:
- 1698 (i) depict the commission of an alleged crime;
 - 1699 (ii) record any encounter between a law enforcement officer and a person that results
 1700 in death or bodily injury, or includes an instance when an officer fires a weapon;
 - 1701 (iii) record any encounter that is the subject of a complaint or a legal proceeding
 1702 against a law enforcement officer or law enforcement agency;
 - 1703 (iv) contain an officer-involved critical incident as defined in Subsection
 1704 76-2-408(1)(f); or
 - 1705 (v) have been requested for reclassification as a public record by a subject or
 1706 authorized agent of a subject featured in the recording.
- 1707 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
 1708 statements, history, diagnosis, condition, treatment, and evaluation.
- 1709 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
 1710 doctors, or affiliated entities are not private records or controlled records under
 1711 Section 63G-2-304 when the records are sought:
- 1712 (i) in connection with any legal or administrative proceeding in which the patient's
 1713 physical, mental, or emotional condition is an element of any claim or defense; or
 - 1714 (ii) after a patient's death, in any legal or administrative proceeding in which any
 1715 party relies upon the condition as an element of the claim or defense.
- 1716 (c) Medical records are subject to production in a legal or administrative proceeding
 1717 according to state or federal statutes or rules of procedure and evidence as if the
 1718 medical records were in the possession of a nongovernmental medical care provider.
- 1719 Section 27. Section **63G-2-303** is amended to read:
- 1720 **63G-2-303 . Private information concerning certain government employees.**
- 1721 (1) As used in this section:
- 1722 (a) "At-risk government employee" means a current or former:
 - 1723 (i) peace officer as specified in Section 53-13-102;
 - 1724 (ii) state or federal judge of an appellate, district, justice, or juvenile court, or court
 1725 commissioner;
 - 1726 (iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;
 - 1727 (iv) judge authorized by Armed Forces, Title 10, United States Code;
 - 1728 (v) federal prosecutor;

- 1729 (vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;
1730 (vii) law enforcement official as defined in Section 53-5a-311;
1731 (viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or
1732 (ix) state, federal, or local government employee who, because of the unique nature
1733 of the employee's regular work assignments or because of one or more recent
1734 credible threats directed to or against the employee, would be at immediate and
1735 substantial risk of physical harm if the employee's personal information is
1736 disclosed.
- 1737 (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an
1738 at-risk government employee who is living with the employee.
- 1739 (c) "Personal information" means the employee's or the employee's family member's
1740 home address, home telephone number, personal mobile telephone number, personal
1741 pager number, personal email address, social security number, insurance coverage,
1742 marital status, or payroll deductions.
- 1743 (2)(a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may
1744 file a written application that:
- 1745 (i) gives notice of the employee's status as an at-risk government employee to each
1746 agency of a government entity holding a record or a part of a record that would
1747 disclose the employee's personal information; and
- 1748 (ii) requests that the government agency classify those records or parts of records as
1749 private.
- 1750 (b) An at-risk government employee desiring to file an application under this section
1751 may request assistance from the government agency to identify the individual records
1752 containing personal information.
- 1753 (c) Each government agency shall develop a form that:
- 1754 (i) requires the at-risk government employee to designate each specific record or part
1755 of a record containing the employee's personal information that the applicant
1756 desires to be classified as private;
- 1757 (ii) affirmatively requests that the government entity holding those records classify
1758 them as private;
- 1759 (iii) informs the employee that by submitting a completed form the employee may
1760 not receive official announcements affecting the employee's property, including
1761 notices about proposed municipal annexations, incorporations, or zoning
1762 modifications; and

- 1763 (iv) contains a place for the signature required under Subsection (2)(d).
- 1764 (d) A form submitted by an employee under Subsection (2)(c) shall be signed by the
- 1765 highest ranking elected or appointed official in the employee's chain of command
- 1766 certifying that the employee submitting the form is an at-risk government employee.
- 1767 (3) A county recorder, county treasurer, county auditor, or a county tax assessor may fully
- 1768 satisfy the requirements of this section by:
- 1769 (a) providing a method for the assessment roll and index and the tax roll and index that
- 1770 will block public access to the home address, home telephone number, situs address,
- 1771 and Social Security number; and
- 1772 (b) providing the at-risk government employee requesting the classification with a
- 1773 disclaimer informing the employee that the employee may not receive official
- 1774 announcements affecting the employee's property, including notices about proposed
- 1775 annexations, incorporations, or zoning modifications.
- 1776 (4) A government agency holding records of an at-risk government employee classified as
- 1777 private under this section may release the record or part of the record if:
- 1778 (a) the employee or former employee gives written consent;
- 1779 (b) a court orders release of the records;
- 1780 (c) the government agency receives a certified death certificate for the employee or
- 1781 former employee; or
- 1782 (d) as it relates to the employee's voter registration record:
- 1783 (i) the person to whom the record or part of the record is released is a qualified
- 1784 person under Subsection 20A-2-104(4)(n); and
- 1785 (ii) the government agency's release of the record or part of the record complies with
- 1786 the requirements of Subsection 20A-2-104(4)(o).
- 1787 (5)(a) If the government agency holding the private record receives a subpoena for the
- 1788 records, the government agency shall attempt to notify the at-risk government
- 1789 employee or former employee by mailing a copy of the subpoena to the employee's
- 1790 last-known mailing address together with a request that the employee either:
- 1791 (i) authorize release of the record; or
- 1792 (ii) within 10 days of the date that the copy and request are mailed, deliver to the
- 1793 government agency holding the private record a copy of a motion to quash filed
- 1794 with the court who issued the subpoena.
- 1795 (b) The government agency shall comply with the subpoena if the government agency
- 1796 has:

- 1797 (i) received permission from the at-risk government employee or former employee to
 1798 comply with the subpoena;
 1799 (ii) not received a copy of a motion to quash within 10 days of the date that the copy
 1800 of the subpoena was mailed; or
 1801 (iii) received a court order requiring release of the records.

1802 (6)(a) Except as provided in Subsection (6)(b), a form submitted under this section
 1803 remains in effect until the earlier of:

- 1804 (i) four years after the date the employee signs the form, whether or not the
 1805 employee's employment terminates before the end of the four-year period; and
 1806 (ii) one year after the government agency receives official notice of the death of the
 1807 employee.

1808 (b) A form submitted under this section may be rescinded at any time by:

- 1809 (i) the at-risk government employee who submitted the form; or
 1810 (ii) if the at-risk government employee is deceased, a member of the employee's
 1811 immediate family.

1812 Section 28. Section **63G-2-601** is amended to read:

1813 **63G-2-601 . Rights of individuals on whom data is maintained -- Classification**
 1814 **statement filed with state archivist -- Notice to provider of information.**

1815 (1)(a) Each governmental entity shall file with the state archivist a statement explaining,
 1816 for each record series collected, maintained, or used by the governmental entity, the
 1817 purposes for which each private or controlled record in the record series is collected,
 1818 maintained, or used by that governmental entity.

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

- 1820 (i) shall identify the authority under which the governmental entity collects the
 1821 records or information included in the statement described in Subsection (1)(a);
 1822 and
 1823 (ii) is a public record.

1824 (2) A governmental entity may only use the information contained in a controlled or private
 1825 record for:

- 1826 (a) the purposes described in the statement provided under Subsection (1); or
 1827 (b) the purposes for which another governmental entity may use the record under
 1828 Section 63G-2-206.

1829 [~~(2)(a) A governmental entity shall provide the notice described in this Subsection (2)~~
 1830 ~~to a person that is asked to furnish information that could be classified as a private or~~

- 1831 controlled record.];
- 1832 [(b) The notice required under Subsection (2)(a) shall:]
- 1833 [(i) identify the record series that includes the information described in Subsection
- 1834 (2)(a);]
- 1835 [(ii) state the reasons the person is asked to furnish the information;]
- 1836 [(iii) state the intended uses of the information;]
- 1837 [(iv) state the consequences for refusing to provide the information; and]
- 1838 [(v) disclose the classes of persons and the governmental entities that currently:]
- 1839 [(A) share the information with the governmental entity; or]
- 1840 [(B) receive the information from the governmental entity on a regular or
- 1841 contractual basis.];
- 1842 [(e) The governmental entity shall:]
- 1843 [(i) post the notice required under this Subsection (2) in a prominent place at all
- 1844 locations where the governmental entity collects the information; or]
- 1845 [(ii) include the notice required under this Subsection (2) as part of the documents or
- 1846 forms that are used by the governmental entity to collect the information.];
- 1847 [(3) Upon request, each governmental entity shall, in relation to the information described
- 1848 in Subsection (2)(a), as applicable, explain to a person:]
- 1849 [(a) the reasons the person is asked to furnish information;]
- 1850 [(b) the intended uses of the information;]
- 1851 [(c) the consequences for refusing to provide the information; and]
- 1852 [(d) the reasons and circumstances under which the information may be shared with, or
- 1853 provided to, other persons or governmental entities.];
- 1854 [(4) A governmental entity may use the information that the governmental entity is required
- 1855 to disclose under Subsection (2)(a) only for those purposes:]
- 1856 [(a) given in the statement filed with the state archivist under Subsection (1); or]
- 1857 [(b) for which another governmental entity may use the record under Section 63G-2-206.]
- 1858 Section 29. Section **63G-2-803** is amended to read:
- 1859 **63G-2-803 . No individual liability for certain decisions of a governmental entity.**
- 1860 (1) Neither the governmental entity, nor any officer or employee of the governmental
- 1861 entity, is liable for damages resulting from the release of a record where the person or
- 1862 government requesting the record presented evidence of authority to obtain the record
- 1863 even if it is subsequently determined that the requester had no authority.
- 1864 (2) Neither the governmental entity, nor any officer or employee of the governmental

1865 entity, is liable for damages arising from the negligent disclosure of records classified as
1866 private under Subsection 63G-2-302(1)(g) unless:

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

1868 (b) the current or former government employee had previously filed the notice required
1869 by Section [~~63G-2-303~~] 63A-19-408 and:

1870 (i) the government entity did not take reasonable steps to preclude access or
1871 distribution of the record; or

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

1873 (3) A mailing from a government agency to an individual who has filed an application
1874 under Section [~~63G-2-303~~] 63A-19-408 is not a wrongful disclosure under this chapter or
1875 under Title 63A, Chapter 12, Division of Archives and Records Service and
1876 Management of Government Records.

1877 Section 30. Section **67-1a-15** is amended to read:

1878 **67-1a-15 . Local government and limited purpose entity registry.**

1879 (1) As used in this section:

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

1881 (b)(i) "Limited purpose entity" means a legal entity that:

1882 (A) performs a single governmental function or limited governmental functions;
1883 and

1884 (B) is not a state executive branch agency, a state legislative office, or within the
1885 judicial branch.

1886 (ii) "Limited purpose entity" includes:

1887 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as
1888 those terms are defined in Section 26B-6-101;

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

1890 (C) community reinvestment agencies, as that term is defined in Section
1891 17C-1-102;

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

1893 (E) governmental nonprofit corporations, as that term is defined in Section
1894 11-13a-102;

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

1896 (G) independent entities and independent state agencies, as those terms are
1897 defined in Section 63E-1-102;

1898 (H) interlocal entities, as that term is defined in Section 11-13-103;

- 1899 (I) local building authorities, as that term is defined in Section 17D-2-102;
- 1900 (J) special districts, as that term is defined in Section 17B-1-102;
- 1901 (K) local health departments, as that term is defined in Section 26A-1-102;
- 1902 (L) local mental health authorities, as that term is defined in Section 62A-15-102;
- 1903 (M) nonprofit corporations that receive an amount of money requiring an
- 1904 accounting report under Section 51-2a-201.5;
- 1905 (N) school districts under Title 53G, Chapter 3, School District Creation and
- 1906 Change;
- 1907 (O) special service districts, as that term is defined in Section 17D-1-102; and
- 1908 (P) substance abuse authorities, as that term is defined in Section 62A-15-102.
- 1909 (c) "Local government and limited purpose entity registry" or "registry" means the
- 1910 registry of local government entities and limited purpose entities created under this
- 1911 section.
- 1912 (d) "Local government entity" means:
- 1913 (i) a county, as that term is defined in Section 17-60-101; and
- 1914 (ii) a municipality, as that term is defined in Section 10-1-104.
- 1915 (e) "Notice of failure to register" means the notice the lieutenant governor sends, in
- 1916 accordance with Subsection (7)(a), to an entity that does not register.
- 1917 (f) "Notice of failure to renew" means the notice the lieutenant governor sends to a
- 1918 registered entity, in accordance with Subsection (7)(b).
- 1919 (g) "Notice of noncompliance" means the notice the lieutenant governor sends to a
- 1920 registered entity, in accordance with Subsection (6)(c).
- 1921 (h) "Notice of non-registration" means the notice the lieutenant governor sends to an
- 1922 entity and the state auditor, in accordance with Subsection (9).
- 1923 (i) "Notice of registration or renewal" means the notice the lieutenant governor sends, in
- 1924 accordance with Subsection (6)(b)(i).
- 1925 (j) "Registered entity" means an entity with a valid registration as described in
- 1926 Subsection (8).
- 1927 (2) The lieutenant governor shall:
- 1928 (a) create a registry of each local government entity and limited purpose entity within
- 1929 the state that:
- 1930 (i) contains the information described in Subsection (4); and
- 1931 (ii) is accessible on the lieutenant governor's website or otherwise publicly available;
- 1932 and

- 1933 (b) establish fees for registration and renewal, in accordance with Section 63J-1-504,
1934 based on and to directly offset the cost of creating, administering, and maintaining
1935 the registry.
- 1936 (3) Each local government entity and limited purpose entity shall:
- 1937 (a) on or before July 1, 2019, register with the lieutenant governor as described in
1938 Subsection (4);
- 1939 (b) on or before one year after the day on which the lieutenant governor issues the notice
1940 of registration or renewal, annually renew the entity's registration in accordance with
1941 Subsection (5); and
- 1942 (c) on or before 30 days after the day on which any of the information described in
1943 Subsection (4) changes, send notice of the changes to the lieutenant governor.
- 1944 (4) Each entity shall include the following information in the entity's registration
1945 submission:
- 1946 (a) the resolution or other legal or formal document creating the entity or, if the
1947 resolution or other legal or formal document creating the entity cannot be located,
1948 conclusive proof of the entity's lawful creation;
- 1949 (b) if the entity has geographic boundaries, a map or plat identifying the current
1950 geographic boundaries of the entity, or if it is impossible or unreasonably expensive
1951 to create a map or plat, a metes and bounds description, or another legal description
1952 that identifies the current boundaries of the entity;
- 1953 (c) the entity's name;
- 1954 (d) the entity's type of local government entity or limited purpose entity;
- 1955 (e) the entity's governmental function;
- 1956 (f) the entity's website, physical address, and phone number, including the name and
1957 contact information of an individual whom the entity designates as the primary
1958 contact for the entity;
- 1959 (g)(i) names, email addresses, and phone numbers of the members of the entity's
1960 governing board or commission, managing officers, or other similar managers and
1961 the method by which the members or officers are appointed, elected, or otherwise
1962 designated;
- 1963 (ii) the date of the most recent appointment or election of each entity governing board
1964 or commission member; and
- 1965 (iii) the date of the anticipated end of each entity governing board or commission
1966 member's term;

- 1967 (h) the entity's sources of revenue; and
- 1968 (i) if the entity has created an assessment area, as that term is defined in Section
- 1969 11-42-102, information regarding the creation, purpose, and boundaries of the
- 1970 assessment area.
- 1971 (5) Each entity shall include the following information in the entity's renewal submission:
- 1972 (a) identify and update any incorrect or outdated information the entity previously
- 1973 submitted during registration under Subsection (4); or
- 1974 (b) certify that the information the entity previously submitted during registration under
- 1975 Subsection (4) is correct without change.
- 1976 (6) Within 30 days of receiving an entity's registration or renewal submission, the lieutenant
- 1977 governor shall:
- 1978 (a) review the submission to determine compliance with Subsection (4) or (5);
- 1979 (b) if the lieutenant governor determines that the entity's submission complies with
- 1980 Subsection (4) or (5):
- 1981 (i) send a notice of registration or renewal that includes the information that the entity
- 1982 submitted under Subsection (4) or (5) to:
- 1983 (A) the registering or renewing entity;
- 1984 (B) each county in which the entity operates, either in whole or in part, or where
- 1985 the entity's geographic boundaries overlap or are contained within the
- 1986 boundaries of the county;
- 1987 (C) the Division of Archives and Records Service; and
- 1988 (D) the Office of the Utah State Auditor; and
- 1989 (ii) publish the information from the submission on the registry, except any email
- 1990 address or phone number that is personal information as defined in Section [
- 1991 63G-2-303] 63A-19-408; and
- 1992 (c) if the lieutenant governor determines that the entity's submission does not comply
- 1993 with Subsection (4) or (5) or is otherwise inaccurate or deficient, send a notice of
- 1994 noncompliance to the registering or renewing entity that:
- 1995 (i) identifies each deficiency in the entity's submission with the corresponding
- 1996 statutory requirement;
- 1997 (ii) establishes a deadline to cure the entity's noncompliance that is the first business
- 1998 day that is at least 30 calendar days after the day on which the lieutenant governor
- 1999 sends the notice of noncompliance; and
- 2000 (iii) states that failure to comply by the deadline the lieutenant governor establishes

2001 under Subsection (6)(c)(ii) will result in the lieutenant governor sending a notice
2002 of non-registration to the Office of the Utah State Auditor, in accordance with
2003 Subsection (9).

2004 (7)(a) If the lieutenant governor identifies an entity that does not make a registration
2005 submission in accordance with Subsection (4) by the deadline described in
2006 Subsection (3), the lieutenant governor shall send a notice of failure to register to the
2007 registered entity that:

2008 (i) identifies the statutorily required registration deadline described in Subsection (3)
2009 that the entity did not meet;

2010 (ii) establishes a deadline to cure the entity's failure to register that is the first
2011 business day that is at least 10 calendar days after the day on which the lieutenant
2012 governor sends the notice of failure to register; and

2013 (iii) states that failure to comply by the deadline the lieutenant governor establishes
2014 under Subsection (7)(a)(ii) will result in the lieutenant governor sending a notice
2015 of non-registration to the Office of the Utah State Auditor, in accordance with
2016 Subsection (9).

2017 (b) If a registered entity does not make a renewal submission in accordance with
2018 Subsection (5) by the deadline described in Subsection (3), the lieutenant governor
2019 shall send a notice of failure to renew to the registered entity that:

2020 (i) identifies the renewal deadline described in Subsection (3) that the entity did not
2021 meet;

2022 (ii) establishes a deadline to cure the entity's failure to renew that is the first business
2023 day that is at least 30 calendar days after the day on which the lieutenant governor
2024 sends the notice of failure to renew; and

2025 (iii) states that failure to comply by the deadline the lieutenant governor establishes
2026 under Subsection (7)(b)(ii) will result in the lieutenant governor sending a notice
2027 of non-registration to the Office of the Utah State Auditor, in accordance with
2028 Subsection (9).

2029 (8) An entity's registration is valid:

2030 (a) if the entity makes a registration or renewal submission in accordance with the
2031 deadlines described in Subsection (3);

2032 (b) during the period the lieutenant governor establishes in the notice of noncompliance
2033 or notice of failure to renew during which the entity may cure the identified
2034 registration deficiencies; and

- 2035 (c) for one year beginning on the day the lieutenant governor issues the notice of
 2036 registration or renewal.
- 2037 (9)(a) The lieutenant governor shall send a notice of non-registration to the Office of the
 2038 Utah State Auditor if an entity fails to:
- 2039 (i) cure the entity's noncompliance by the deadline the lieutenant governor establishes
 2040 in the notice of noncompliance;
- 2041 (ii) register by the deadline the lieutenant governor establishes in the notice of failure
 2042 to register; or
- 2043 (iii) cure the entity's failure to renew by the deadline the lieutenant governor
 2044 establishes in the notice of failure to renew.
- 2045 (b) The lieutenant governor shall ensure that the notice of non-registration:
- 2046 (i) includes a copy of the notice of noncompliance, the notice of failure to register, or
 2047 the notice of failure to renew; and
- 2048 (ii) requests that the state auditor withhold state allocated funds or the disbursement
 2049 of property taxes and prohibit the entity from accessing money held by the state or
 2050 money held in an account of a financial institution, in accordance with
 2051 Subsections 67-3-1(7)(i) and 67-3-1(10).
- 2052 (10) The lieutenant governor may extend a deadline under this section if an entity notifies
 2053 the lieutenant governor, before the deadline to be extended, of the existence of an
 2054 extenuating circumstance that is outside the control of the entity.
- 2055 (11)(a) An entity is not required to renew submission of a registration under this section
 2056 if an entity provides a record of dissolution.
- 2057 (b) The lieutenant governor shall include in the registry an entity's record of dissolution
 2058 and indicate on the registry that the entity is dissolved.
- 2059 Section 31. Section **67-3-1** is amended to read:
- 2060 **67-3-1 . Functions and duties.**
- 2061 (1)(a) The state auditor is the auditor of public accounts and is independent of any
 2062 executive or administrative officers of the state.
- 2063 (b) The state auditor is not limited in the selection of personnel or in the determination
 2064 of the reasonable and necessary expenses of the state auditor's office.
- 2065 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
 2066 financial statements showing:
- 2067 (a) the condition of the state's finances;
- 2068 (b) the revenues received or accrued;

- 2069 (c) expenditures paid or accrued;
- 2070 (d) the amount of unexpended or unencumbered balances of the appropriations to the
- 2071 agencies, departments, divisions, commissions, and institutions; and
- 2072 (e) the cash balances of the funds in the custody of the state treasurer.
- 2073 (3)(a) The state auditor shall:
- 2074 (i) audit each permanent fund, each special fund, the General Fund, and the accounts
- 2075 of any department of state government or any independent agency or public
- 2076 corporation as the law requires, as the auditor determines is necessary, or upon
- 2077 request of the governor or the Legislature;
- 2078 (ii) perform the audits in accordance with generally accepted auditing standards and
- 2079 other auditing procedures as promulgated by recognized authoritative bodies; and
- 2080 (iii) as the auditor determines is necessary, conduct the audits to determine:
- 2081 (A) honesty and integrity in fiscal affairs;
- 2082 (B) accuracy and reliability of financial statements;
- 2083 (C) effectiveness and adequacy of financial controls; and
- 2084 (D) compliance with the law.
- 2085 (b) If any state entity receives federal funding, the state auditor shall ensure that the
- 2086 audit is performed in accordance with federal audit requirements.
- 2087 (c)(i) The costs of the federal compliance portion of the audit may be paid from an
- 2088 appropriation to the state auditor from the General Fund.
- 2089 (ii) If an appropriation is not provided, or if the federal government does not
- 2090 specifically provide for payment of audit costs, the costs of the federal compliance
- 2091 portions of the audit shall be allocated on the basis of the percentage that each
- 2092 state entity's federal funding bears to the total federal funds received by the state.
- 2093 (iii) The allocation shall be adjusted to reflect any reduced audit time required to
- 2094 audit funds passed through the state to local governments and to reflect any
- 2095 reduction in audit time obtained through the use of internal auditors working
- 2096 under the direction of the state auditor.
- 2097 (4)(a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
- 2098 financial audits, and as the auditor determines is necessary, conduct performance and
- 2099 special purpose audits, examinations, and reviews of any entity that receives public
- 2100 funds, including a determination of any or all of the following:
- 2101 (i) the honesty and integrity of all the entity's fiscal affairs;
- 2102 (ii) whether the entity's administrators have faithfully complied with legislative intent;

- 2103 (iii) whether the entity's operations have been conducted in an efficient, effective, and
2104 cost-efficient manner;
- 2105 (iv) whether the entity's programs have been effective in accomplishing the intended
2106 objectives; and
- 2107 (v) whether the entity's management, control, and information systems are adequate,
2108 effective, and secure.
- 2109 (b) The auditor may not conduct performance and special purpose audits, examinations,
2110 and reviews of any entity that receives public funds if the entity:
- 2111 (i) has an elected auditor; and
- 2112 (ii) has, within the entity's last budget year, had the entity's financial statements or
2113 performance formally reviewed by another outside auditor.
- 2114 (5) The state auditor:
- 2115 (a) shall administer any oath or affirmation necessary to the performance of the duties of
2116 the auditor's office; and
- 2117 (b) may:
- 2118 (i) subpoena witnesses and documents, whether electronic or otherwise; and
2119 (ii) examine into any matter that the auditor considers necessary.
- 2120 (6) The state auditor may require all persons who have had the disposition or management
2121 of any property of this state or its political subdivisions to submit statements regarding
2122 the property at the time and in the form that the auditor requires.
- 2123 (7) The state auditor shall:
- 2124 (a) except where otherwise provided by law, institute suits in Salt Lake County in
2125 relation to the assessment, collection, and payment of revenues against:
- 2126 (i) persons who by any means have become entrusted with public money or property
2127 and have failed to pay over or deliver the money or property; and
2128 (ii) all debtors of the state;
- 2129 (b) collect and pay into the state treasury all fees received by the state auditor;
- 2130 (c) perform the duties of a member of all boards of which the state auditor is a member
2131 by the constitution or laws of the state, and any other duties that are prescribed by the
2132 constitution and by law;
- 2133 (d) stop the payment of the salary of any state official or state employee who:
- 2134 (i) refuses to settle accounts or provide required statements about the custody and
2135 disposition of public funds or other state property;
- 2136 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling

- 2137 board or department head with respect to the manner of keeping prescribed
2138 accounts or funds; or
- 2139 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
2140 official's or employee's attention;
- 2141 (e) establish accounting systems, methods, and forms for public accounts in all taxing or
2142 fee-assessing units of the state in the interest of uniformity, efficiency, and economy;
- 2143 (f) superintend the contractual auditing of all state accounts;
- 2144 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
2145 property taxes from a state or local taxing or fee-assessing unit, if necessary, to
2146 ensure that officials and employees in those taxing units comply with state laws and
2147 procedures in the budgeting, expenditures, and financial reporting of public funds;
- 2148 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
2149 if necessary, to ensure that officials and employees in the county comply with
2150 Section 59-2-303.1; and
- 2151 (i) withhold state allocated funds or the disbursement of property taxes from a local
2152 government entity or a limited purpose entity, as those terms are defined in Section
2153 67-1a-15 if the state auditor finds the withholding necessary to ensure that the entity
2154 registers and maintains the entity's registration with the lieutenant governor, in
2155 accordance with Section 67-1a-15.
- 2156 (8)(a) Except as otherwise provided by law, the state auditor may not withhold funds
2157 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received
2158 formal written notice of noncompliance from the auditor and has been given 60 days
2159 to make the specified corrections.
- 2160 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
2161 fee-assessing unit that exclusively assesses fees has not made corrections to comply
2162 with state laws and procedures in the budgeting, expenditures, and financial reporting
2163 of public funds, the state auditor:
- 2164 (i) shall provide a recommended timeline for corrective actions;
- 2165 (ii) may prohibit the state or local fee-assessing unit from accessing money held by
2166 the state; and
- 2167 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
2168 account of a financial institution by filing an action in a court with jurisdiction
2169 under Title 78A, Judiciary and Judicial Administration, requesting an order of the
2170 court to prohibit a financial institution from providing the fee-assessing unit

- 2171 access to an account.
- 2172 (c) The state auditor shall remove a limitation on accessing funds under Subsection (8)(b)
2173 upon compliance with state laws and procedures in the budgeting, expenditures, and
2174 financial reporting of public funds.
- 2175 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
2176 state law, the state auditor:
- 2177 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
2178 comply;
- 2179 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
2180 state; and
- 2181 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
2182 account of a financial institution by:
- 2183 (A) contacting the taxing or fee-assessing unit's financial institution and
2184 requesting that the institution prohibit access to the account; or
- 2185 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
2186 Judicial Administration, requesting an order of the court to prohibit a financial
2187 institution from providing the taxing or fee-assessing unit access to an account.
- 2188 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state law,
2189 the state auditor shall eliminate a limitation on accessing funds described in
2190 Subsection (8)(d).
- 2191 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
2192 received formal written notice of noncompliance from the auditor and has been given 60
2193 days to make the specified corrections.
- 2194 (10)(a) The state auditor may not withhold funds under Subsection (7)(i) until the state
2195 auditor receives a notice of non-registration, as that term is defined in Section
2196 67-1a-15.
- 2197 (b) If the state auditor receives a notice of non-registration, the state auditor may
2198 prohibit the local government entity or limited purpose entity, as those terms are
2199 defined in Section 67-1a-15, from accessing:
- 2200 (i) money held by the state; and
- 2201 (ii) money held in an account of a financial institution by:
- 2202 (A) contacting the entity's financial institution and requesting that the institution
2203 prohibit access to the account; or
- 2204 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and

2205 Judicial Administration, requesting an order of the court to prohibit a financial
2206 institution from providing the entity access to an account.

2207 (c) The state auditor shall remove the prohibition on accessing funds described in
2208 Subsection (10)(b) if the state auditor received a notice of registration, as that term is
2209 defined in Section 67-1a-15, from the lieutenant governor.

2210 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the state
2211 auditor:

2212 (a) shall authorize a disbursement by a local government entity or limited purpose entity,
2213 as those terms are defined in Section 67-1a-15, or a state or local taxing or
2214 fee-assessing unit if the disbursement is necessary to:

2215 (i) avoid a major disruption in the operations of the local government entity, limited
2216 purpose entity, or state or local taxing or fee-assessing unit; or

2217 (ii) meet debt service obligations; and

2218 (b) may authorize a disbursement by a local government entity, limited purpose entity,
2219 or state or local taxing or fee-assessing unit as the state auditor determines is
2220 appropriate.

2221 (12)(a) The state auditor may seek relief under the Utah Rules of Civil Procedure to take
2222 temporary custody of public funds if an action is necessary to protect public funds
2223 from being improperly diverted from their intended public purpose.

2224 (b) If the state auditor seeks relief under Subsection (12)(a):

2225 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);
2226 and

2227 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if
2228 a court orders the public funds to be protected from improper diversion from their
2229 public purpose.

2230 (13) The state auditor shall:

2231 (a) establish audit guidelines and procedures for audits of local mental health and
2232 substance abuse authorities and their contract providers, conducted pursuant to Title
2233 17, Chapter 77, Local Health and Human Services, Title 26B, Chapter 5, Health Care
2234 - Substance Use and Mental Health, and Title 51, Chapter 2a, Accounting Reports
2235 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
2236 and

2237 (b) ensure that those guidelines and procedures provide assurances to the state that:

2238 (i) state and federal funds appropriated to local mental health authorities are used for

- 2239 mental health purposes;
- 2240 (ii) a private provider under an annual or otherwise ongoing contract to provide
- 2241 comprehensive mental health programs or services for a local mental health
- 2242 authority is in compliance with state and local contract requirements and state and
- 2243 federal law;
- 2244 (iii) state and federal funds appropriated to local substance abuse authorities are used
- 2245 for substance abuse programs and services; and
- 2246 (iv) a private provider under an annual or otherwise ongoing contract to provide
- 2247 comprehensive substance abuse programs or services for a local substance abuse
- 2248 authority is in compliance with state and local contract requirements, and state and
- 2249 federal law.
- 2250 (14)(a) The state auditor may, in accordance with the auditor's responsibilities for
- 2251 political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting
- 2252 Reports from Political Subdivisions, Interlocal Organizations, and Other Local
- 2253 Entities Act, initiate audits or investigations of any political subdivision that are
- 2254 necessary to determine honesty and integrity in fiscal affairs, accuracy and reliability
- 2255 of financial statements, effectiveness, and adequacy of financial controls and
- 2256 compliance with the law.
- 2257 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the
- 2258 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor
- 2259 may initiate an audit or investigation of the public entity subject to the notice to
- 2260 determine compliance with Section 11-41-103.
- 2261 (15)(a) The state auditor may not audit work that the state auditor performed before
- 2262 becoming state auditor.
- 2263 (b) If the state auditor has previously been a responsible official in state government
- 2264 whose work has not yet been audited, the Legislature shall:
- 2265 (i) designate how that work shall be audited; and
- 2266 (ii) provide additional funding for those audits, if necessary.
- 2267 (16) The state auditor shall:
- 2268 (a) with the assistance, advice, and recommendations of an advisory committee
- 2269 appointed by the state auditor from among special district boards of trustees, officers,
- 2270 and employees and special service district boards, officers, and employees:
- 2271 (i) prepare a Uniform Accounting Manual for Special Districts that:
- 2272 (A) prescribes a uniform system of accounting and uniform budgeting and

- 2273 reporting procedures for special districts under Title 17B, Limited Purpose
2274 Local Government Entities - Special Districts, and special service districts
2275 under Title 17D, Chapter 1, Special Service District Act;
- 2276 (B) conforms with generally accepted accounting principles; and
2277 (C) prescribes reasonable exceptions and modifications for smaller districts to the
2278 uniform system of accounting, budgeting, and reporting;
- 2279 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to
2280 reflect generally accepted accounting principles;
- 2281 (iii) conduct a continuing review and modification of procedures in order to improve
2282 them;
- 2283 (iv) prepare and supply each district with suitable budget and reporting forms; and
2284 (v)(A) prepare instructional materials, conduct training programs, and render other
2285 services considered necessary to assist special districts and special service
2286 districts in implementing the uniform accounting, budgeting, and reporting
2287 procedures; and
- 2288 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with
2289 Title 63G, Chapter 22, State Training and Certification Requirements; and
- 2290 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
2291 and experiences of specific special districts and special service districts selected by
2292 the state auditor and make the information available to all districts.
- 2293 (17)(a) The following records in the custody or control of the state auditor are protected
2294 records under Title 63G, Chapter 2, Government Records Access and Management
2295 Act:
- 2296 (i) records that would disclose information relating to allegations of personal
2297 misconduct, gross mismanagement, or illegal activity of a past or present
2298 governmental employee if the information or allegation cannot be corroborated by
2299 the state auditor through other documents or evidence, and the records relating to
2300 the allegation are not relied upon by the state auditor in preparing a final audit
2301 report;
- 2302 (ii) records and audit workpapers to the extent the workpapers would disclose the
2303 identity of an individual who during the course of an audit, communicated the
2304 existence of any waste of public funds, property, or manpower, or a violation or
2305 suspected violation of a law, rule, or regulation adopted under the laws of this
2306 state, a political subdivision of the state, or any recognized entity of the United

- 2307 States, if the information was disclosed on the condition that the identity of the
2308 individual be protected;
- 2309 (iii) before an audit is completed and the final audit report is released, records or
2310 drafts circulated to an individual who is not an employee or head of a
2311 governmental entity for the individual's response or information;
- 2312 (iv) records that would disclose an outline or part of any audit survey plans or audit
2313 program; and
- 2314 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 2315 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure
2316 of records or information that relate to a violation of the law by a governmental entity
2317 or employee to a government prosecutor or peace officer.
- 2318 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to
2319 the state auditor to classify a document as public, private, controlled, or protected
2320 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 2321 (d)(i) As used in this Subsection (17)(d), "record dispute" means a dispute between
2322 the state auditor and the subject of an audit performed by the state auditor as to
2323 whether the state auditor may release a record, as defined in Section 63G-2-103,
2324 to the public that the state auditor gained access to in the course of the state
2325 auditor's audit but which the subject of the audit claims is not subject to disclosure
2326 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 2327 (ii) The state auditor may submit a record dispute to the director of the Government
2328 Records Office, created in Section 63A-12-202, for a determination of whether the
2329 state auditor may, in conjunction with the state auditor's release of an audit report,
2330 release to the public the record that is the subject of the record dispute.
- 2331 (iii) The state auditor or the subject of the audit may seek judicial review of the
2332 director's determination, described in Subsection (17)(d)(ii), as provided in
2333 Section 63G-2-404.
- 2334 (18) If the state auditor conducts an audit of an entity that the state auditor has previously
2335 audited and finds that the entity has not implemented a recommendation made by the
2336 state auditor in a previous audit, the state auditor shall notify the Legislative
2337 Management Committee through the Legislative Management Committee's Audit
2338 Subcommittee that the entity has not implemented that recommendation.
- 2339 [~~(19) The state auditor shall, with the advice and consent of the Senate, appoint the state~~
2340 ~~privacy auditor described in Section 67-3-13.]~~

2341 [~~(20)~~] (19) Except as provided in Subsection [~~(21)~~] (20), the state auditor shall report, or
2342 ensure that another government entity reports, on the financial, operational, and
2343 performance metrics for the state system of higher education and the state system of
2344 public education, including metrics in relation to students, programs, and schools within
2345 those systems.

2346 [~~(21)~~] (20)(a) Notwithstanding Subsection [~~(20)~~] (19), the state auditor shall conduct
2347 regular audits of:

- 2348 (i) the scholarship granting organization for the Carson Smith Opportunity
2349 Scholarship Program, created in Section 53E-7-402;
2350 (ii) the State Board of Education for the Carson Smith Scholarship Program, created
2351 in Section 53F-4-302; and
2352 (iii) the scholarship program manager for the Utah Fits All Scholarship Program,
2353 created in Section 53F-6-402, including an analysis of the cost effectiveness of the
2354 program, taking into consideration the amount of the scholarship and the amount
2355 of state and local funds dedicated on a per-student basis within the traditional
2356 public education system.

2357 (b) Nothing in this subsection limits or impairs the authority of the State Board of
2358 Education to administer the programs described in Subsection [~~(21)(a)~~] (20)(a).

2359 [~~(22)~~] (21) The state auditor shall, based on the information posted by the Office of
2360 Legislative Research and General Counsel under Subsection 36-12-12.1(2), for each
2361 policy, track and post the following information on the state auditor's website:

- 2362 (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);
2363 (b) an indication regarding whether the policy is timely adopted, adopted late, or not
2364 adopted;
2365 (c) an indication regarding whether the policy complies with the requirements
2366 established by law for the policy; and
2367 (d) a link to the policy.

2368 [~~(23)~~] (22)(a) A legislator may request that the state auditor conduct an inquiry to
2369 determine whether a government entity, government official, or government
2370 employee has complied with a legal obligation directly imposed, by statute, on the
2371 government entity, government official, or government employee.

2372 (b) The state auditor may, upon receiving a request under Subsection [~~(23)(a)~~] (22)(a),
2373 conduct the inquiry requested.

2374 (c) If the state auditor conducts the inquiry described in Subsection [~~(23)(b)~~] (22)(b), the

- 2375 state auditor shall post the results of the inquiry on the state auditor's website.
- 2376 (d) The state auditor may limit the inquiry described in this Subsection [~~(23)~~] (22) to a
- 2377 simple determination, without conducting an audit, regarding whether the obligation
- 2378 was fulfilled.
- 2379 [~~(24)~~] (23) The state auditor shall:
- 2380 (a) ensure compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in
- 2381 accordance with Section 63G-31-401; and
- 2382 (b) report to the Legislative Management Committee, upon request, regarding the state
- 2383 auditor's actions under this Subsection [~~(24)~~] (23).
- 2384 [~~(25)~~] (24) The state auditor shall report compliance with Sections 67-27-107, 67-27-108,
- 2385 and 67-27-109 by:
- 2386 (a) establishing a process to receive and audit each alleged violation; and
- 2387 (b) reporting to the Legislative Management Committee, upon request, regarding the
- 2388 state auditor's findings and recommendations under this Subsection [~~(25)~~] (24).
- 2389 [~~(26)~~] (25) The state auditor shall ensure compliance with Section 63G-1-704 regarding the
- 2390 display of flags in or on government property.
- 2391 [~~(27)~~] (26)(a) On or before January 31 each year, the state auditor shall prepare a report
- 2392 that states, for each entity that holds public funds as defined in Section 51-7-3, the
- 2393 entity's total balance, as of the last day of the immediately preceding fiscal year, of
- 2394 cash, cash equivalents, and investments, as those terms are defined under the
- 2395 standards established by the Governmental Accounting Standards Board.
- 2396 (b) The state auditor shall make the report described in Subsection [~~(27)(a)-~~] (26)(a)
- 2397 publicly available on a website that the state auditor maintains.
- 2398 Section 32. **Repealer.**
- 2399 This bill repeals:
- 2400 Section **67-3-13, State privacy auditor.**
- 2401 Section 33. **Effective Date.**
- 2402 This bill takes effect on May 6, 2026.