

David Shallenberger proposes the following substitute bill:

Data Privacy Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Shallenberger

Senate Sponsor: Kirk A. Cullimore

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 places the state privacy auditor's responsibility

29 with the state auditor's office and makes conforming changes; and
30 ▸ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 **20A-11-1604**, as last amended by Laws of Utah 2025, Chapters 90, 448
- 38 **53-18-102**, as last amended by Laws of Utah 2022, Chapter 367
- 39 **53H-14-501**, as renumbered and amended by Laws of Utah 2025, First Special Session,
- 40 Chapter 8
- 41 **53H-14-502**, as renumbered and amended by Laws of Utah 2025, First Special Session,
- 42 Chapter 8
- 43 **63A-16-108**, as enacted by Laws of Utah 2023, Chapter 201
- 44 **63A-19-101**, as last amended by Laws of Utah 2025, Chapter 475
- 45 **63A-19-202**, as enacted by Laws of Utah 2024, Chapter 417
- 46 **63A-19-203**, as renumbered and amended by Laws of Utah 2025, Chapter 475
- 47 **63A-19-204**, as renumbered and amended by Laws of Utah 2025, Chapter 475
- 48 **63A-19-301**, as last amended by Laws of Utah 2025, Chapter 475
- 49 **63A-19-302**, as enacted by Laws of Utah 2024, Chapter 417
- 50 **63A-19-401**, as last amended by Laws of Utah 2025, Chapter 475
- 51 **63A-19-401.1**, as enacted by Laws of Utah 2025, Chapter 475
- 52 **63A-19-401.2**, as enacted by Laws of Utah 2025, Chapter 475
- 53 **63A-19-401.3**, as enacted by Laws of Utah 2025, Chapter 475
- 54 **63A-19-401.4**, as enacted by Laws of Utah 2025, Chapter 475
- 55 **63A-19-403**, as enacted by Laws of Utah 2024, Chapter 417
- 56 **63A-19-405**, as last amended by Laws of Utah 2025, Chapter 475
- 57 **63A-19-406**, as last amended by Laws of Utah 2025, Chapter 475
- 58 **63A-19-501**, as last amended by Laws of Utah 2025, Chapter 475
- 59 **63G-2-201**, as last amended by Laws of Utah 2025, Chapters 299, 476
- 60 **63G-2-301**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9
- 61 **63G-2-302**, as last amended by Laws of Utah 2025, Chapter 172
- 62 **63G-2-601**, as last amended by Laws of Utah 2025, Chapter 475

63 **63G-2-803**, as last amended by Laws of Utah 2013, Chapter 426
 64 **67-1a-15**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17
 65 **67-3-1**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17
 66 **67-3-13**, as last amended by Laws of Utah 2025, Chapter 475

67 ENACTS:

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

70 RENUMBERS AND AMENDS:

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

73

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

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

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

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

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

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

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

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

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

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

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

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

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

201 As used in this chapter:

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

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

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

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

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

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

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

335 Education website; and

336 (b) establish standards for:

337 (i) institution policies to protect student data;

338 (ii) institution data governance plans; and

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

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

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

342 (1) As used in this section:

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

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

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

346 and

347 (iii) is mathematically verified.

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

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

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

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

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

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

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

355 (i) attests to a fact;

356 (ii) is issued by a government entity;

357 (iii) can be mathematically verified; and

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

359 of a physical credential of the same type.

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

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

363 (ii) has a digital signature;

364 (iii) can be mathematically verified; and

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

366 of a physical record of the same type.

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

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

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

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

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

405 As used in this chapter:

- 406 (1) "Anonymized data" means information that has been irreversibly modified so that there
407 is no possibility of using the information, alone or in combination with other
408 information, to identify an individual.
- 409 (2) "At-risk government employee" means the same as that term is defined in Section [
410 63G-2-303] 63A-19-408.
- 411 (3) "Automated decision making" means using personal data to make a decision about an
412 individual through automated processing, without human review or intervention.
- 413 (4) "Biometric data" means the same as that term is defined in Section 13-61-101.
- 414 (5)(a) "Chief administrative officer" means the same as that term is defined in Section
415 63A-12-100.5.
- 416 (b) "Chief administrative officer" for a municipality may be, in the municipality's
417 discretion, a separate and distinct role from the chief administrative officer role
418 described in Section 11-50-202.
- 419 (6) "Chief privacy officer" means the individual appointed under Section 63A-19-302.
- 420 (7) "Commission" means the Utah Privacy Commission established in Section 63A-19-203.
- 421 (8) "Contract" means an agreement between a governmental entity and a person for goods
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, or
429 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) "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 (13) "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)]~~ (14) "Genetic data" means the same as that term is defined in Section 13-60-102.
- 442 ~~[(14)]~~ (15) "Governing board" means the Utah Privacy Governing Board established in
443 Section 63A-19-201.
- 444 ~~[(15)]~~ (16) "Governmental entity" means the same as that term is defined in Section
445 63G-2-103.
- 446 ~~[(16)]~~ (17) "Government website" means a set of related web pages that is operated by or on
447 behalf of a governmental entity and is:
- 448 (a) located under a single domain name or web address; and
449 (b) accessible directly through the ~~[Internet]~~ internet or by the use of a software program.
- 450 ~~[(17)]~~ (18)(a) "High-risk processing activities" means a governmental entity's processing
451 of personal data that may have a significant impact on an individual's privacy
452 interests, based on factors that include:
- 453 (i) the sensitivity of the personal data processed;
454 (ii) the amount of personal data being processed;
455 (iii) the individual's ability to consent to the processing of personal data; and
456 (iv) risks of unauthorized access or use.
- 457 (b) "High-risk processing activities" may include the use of:
- 458 (i) facial recognition technology;
459 (ii) automated decision making;
460 (iii) profiling;
461 (iv) genetic data of a living person;
462 (v) biometric data; or
463 (vi) specific geolocation data.
- 464 ~~[(18)]~~ (19) "Independent entity" means the same as that term is defined in Section 63E-1-102.
- 465 ~~[(19)]~~ (20) "Individual" means the same as that term is defined in Section 63G-2-103.
- 466 ~~[(20)]~~ (21) "Legal guardian" means:
- 467 (a) the parent of a minor; or
468 (b) an individual appointed by a court to be the guardian of a minor or incapacitated
469 individual and given legal authority to make decisions regarding the person or
470 property of the minor or incapacitated individual.

- 471 ~~[(21)]~~ (22) "Office" means the Utah Office of Data Privacy created in Section 63A-19-301.
- 472 ~~[(22)]~~ (23) "Ombudsperson" means the data privacy ombudsperson appointed under Section
473 63A-19-501.
- 474 ~~[(23)]~~ (24) "Person" means the same as that term is defined in Section 63G-2-103.
- 475 ~~[(24)]~~ (25) "Personal data" means information that is linked or can be reasonably linked to
476 an identified individual or an identifiable individual.
- 477 ~~[(25)]~~ (26) "Privacy annotation" means a summary of personal data contained in a record
478 series as described in Section 63A-19-401.1.
- 479 ~~[(26)]~~ (27) "Privacy practice" means a governmental entity's:
- 480 (a) organizational, technical, administrative, and physical safeguards designed to protect
481 an individual's personal data;
- 482 (b) policies and procedures related to the acquisition, use, storage, sharing, retention,
483 and disposal of personal data; and
- 484 (c) practice of providing notice to an individual regarding the individual's privacy rights.
- 485 ~~[(27)]~~ (28) "Process," "processing," or "processing activity" means any operation or set of
486 operations performed on personal data, including collection, recording, organization,
487 structuring, storage, adaptation, alteration, access, retrieval, consultation, use, disclosure
488 by transmission, transfer, dissemination, alignment, combination, restriction, erasure, or
489 destruction.
- 490 ~~[(28)]~~ (29) "Profiling" ~~[means the processing of personal data to evaluate or predict an~~
491 ~~individual's:]~~ means any form of automated processing performed on personal data to
492 evaluate, analyze, or predict an identified or identifiable individual's economic situation,
493 health, personal preferences, interests, reliability, behavior, location, or movements.
- 494 ~~[(a) economic situation;]~~
- 495 ~~[(b) health;]~~
- 496 ~~[(c) personal preferences;]~~
- 497 ~~[(d) interests;]~~
- 498 ~~[(e) reliability;]~~
- 499 ~~[(f) behavior;]~~
- 500 ~~[(g) location; or]~~
- 501 ~~[(h) movements].~~
- 502 ~~[(29)]~~ (30)(a) "Purchase" or "purchasing" means the exchange of monetary consideration
503 to obtain the personal data of an individual who is not a party to the transaction.
- 504 (b) "Purchase" or "purchasing" does not include payment from one governmental entity

505 to another governmental entity for access to a record in accordance with Section
506 63G-2-203.

507 [~~(30)~~] (31) "Record" means the same as that term is defined in Section 63G-2-103.

508 [~~(31)~~] (32) "Record series" means the same as that term is defined in Section 63G-2-103.

509 [~~(32)~~] (33) "Retention schedule" means a governmental entity's schedule for the retention or
510 disposal of records that has been approved by the Records Management Committee
511 pursuant to Section 63A-12-113.

512 [~~(33)~~] (34)(a) "Sell" means [~~an exchange~~] the transfer of personal data in exchange for
513 monetary consideration by a governmental entity to a third party.

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

515 (i) charged by a governmental entity for access to a record pursuant to Section
516 63G-2-203; or

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

518 (35) "Specific geolocation data" means the same as that term is defined in Section
519 13-61-101.

520 [~~(34)~~] (36)(a) "State agency" means the following entities that are under the direct
521 supervision and control of the governor or the lieutenant governor:

522 (i) a department;

523 (ii) a commission;

524 (iii) a board;

525 (iv) a council;

526 (v) an institution;

527 (vi) an officer;

528 (vii) a corporation;

529 (viii) a fund;

530 (ix) a division;

531 (x) an office;

532 (xi) a committee;

533 (xii) an authority;

534 (xiii) a laboratory;

535 (xiv) a library;

536 (xv) a bureau;

537 (xvi) a panel;

538 (xvii) another administrative unit of the state; or

539 (xviii) an agent of an entity described in Subsections ~~[(34)(a)(i)]~~ (36)(a)(i) through
540 (xvii).

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

542 (i) the legislative branch;

543 (ii) the judicial branch;

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

546 (iv) an independent entity.

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

548 ~~[(36)]~~ (37) "Synthetic data" means artificial data that:

549 (a) is generated from personal data; and

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

551 ~~[(37)]~~ (38) "User" means an individual who accesses a government website.

552 ~~[(38)]~~ (39)(a) "User data" means any information about a user that is automatically
553 collected by a government website when a user accesses the government website.

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

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

557 (ii) ~~[Internet]~~ internet sites visited by a user;

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

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

560 (v) a user's:

561 (A) IP or Mac address; or

562 (B) session ID.

563 ~~[(39)]~~ (40) "Website tracking technology" means any tool used by a government website to:

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

565 (b) collect user data.

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

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

568 **63A-19-202 . Governing board duties.**

569 (1) The governing board shall:

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

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

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

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

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

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

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

580 (i) appropriations;

581 (ii) rates;

582 (iii) grants; and

583 (iv) internal service funds.

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

586 (a) governmental entities;

587 (b) elected officials;

588 (c) subject matter experts; and

589 (d) other stakeholders.

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

591 **63A-19-203 . Utah Privacy Commission created.**

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

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

594 (b) The governor shall appoint:

595 (i) one member who, at the time of appointment provides internet technology services
596 for a county;

597 (ii) one member with experience in cybersecurity;

598 (iii) one member representing private industry in technology;

599 (iv) one member representing law enforcement; [~~and~~]

600 (v) one member with experience in data privacy law.; and

601 (vi) one member who is a private citizen representing the public.

602 (c) The State Board of Education shall appoint one member representing public
603 education entities and the privacy interests of students.

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

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

606 (ii) one member with experience in cybersecurity;

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

641 (10) The commission shall meet up to 12 times a year to accomplish the duties described in
642 Section 63A-19-204.

643 (11)(a) The commission shall, in accordance with Title 63G, Chapter 3, Utah
644 Administrative Rulemaking Act, make rules establishing participation requirements
645 for commission members.

646 (b) A commission member who fails to meet the participation requirements established
647 under Subsection (11)(a) may be removed by the official who appointed the member
648 in accordance with Subsection (2).

649 Section 9. Section **63A-19-204** is amended to read:
650 **63A-19-204 . Commission duties.**

651 (1) The commission shall:

652 (a) annually develop, approve, and make public by May 1 of each year a data privacy
653 agenda that identifies for the upcoming year:

- 654 (i) governmental entity privacy practices to be reviewed by the commission;
- 655 (ii) educational and training materials that the commission intends to develop;
- 656 (iii) any other items related to data privacy the commission intends to study; and
- 657 (iv) best practices and guiding principles that the commission plans to develop
658 related to government privacy practices;

659 (b) develop guiding standards and best practices with respect to government privacy
660 practices;

661 (c) develop educational and training materials that include information about:

- 662 (i) the privacy implications and civil liberties concerns of the privacy practices of
663 government entities;
- 664 (ii) best practices for government collection and retention policies regarding personal
665 data; and
- 666 (iii) best practices for government personal data security standards; and

667 (d) review the privacy implications and civil liberties concerns of government privacy
668 practices[; ~~and~~].

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

670 (2) The commission may, in addition to the approved items in the data privacy agenda
671 prepared under Subsection (1)(a):

- 672 (a) review specific government privacy practices as referred to the commission by the
673 chief privacy officer described in Section 63A-19-302 or the state [privacy-]auditor[
674 described in Section 67-3-13];

- 675 (b) review a privacy practice not accounted for in the data privacy agenda only upon
 676 referral by the chief privacy officer or the state ~~[privacy-]~~auditor in accordance with
 677 this section;
- 678 (c) review and provide recommendations regarding consent mechanisms used by
 679 governmental entities to collect personal ~~[information]~~ data;
- 680 (d) develop and provide recommendations to the Legislature on how to balance
 681 transparency and public access of public records against an individual's reasonable
 682 expectations of privacy and data protection;~~and]~~
- 683 (e) develop recommendations for legislation regarding the guiding standards and best
 684 practices the commission has developed in accordance with Subsection (1)(a)~~[-]~~ ;
- 685 (f) consult with relevant public and private entities in the performance of the
 686 commission's duties listed in Subsection (1); and
- 687 (g) study and recommend which information contained in the privacy program report
 688 described in Section 63A-19-401.3 should be a public record.
- 689 (3) At least annually, on or before October 1, the commission shall report to the ~~[Judiciary]~~
 690 Government Operations Interim Committee:
- 691 (a) the results of any reviews the commission has conducted;
- 692 (b) the guiding standards and best practices described in Subsection (1)(b); and
- 693 (c) any recommendations for legislation the commission has developed in accordance
 694 with Subsection ~~[(2)(e)]~~ (2)(d).
- 695 (4)(a) Upon request by the governing board, a member of the commission shall give an
 696 update on the work of the commission at any governing board meeting.
- 697 (b) The governing board may at any time instruct the commission to review and report
 698 upon any privacy developments related to governmental privacy within the scope of
 699 the commission's duties.
- 700 ~~[(4) At least annually, on or before June 1, the commission shall report to the governing~~
 701 ~~board regarding:]~~
- 702 ~~[(a) governmental entity privacy practices the commission plans to review in the next~~
 703 ~~year;]~~
- 704 ~~[(b) any educational and training programs the commission intends to develop in relation~~
 705 ~~to government data privacy best practices;]~~
- 706 ~~[(e) results of the commission's data privacy practice reviews from the previous year; and]~~
- 707 ~~[(d) recommendations from the commission related to data privacy legislation,~~
 708 ~~standards, or best practices.]~~

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

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

712 **63A-19-301 . Utah Office of Data Privacy.**

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

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

716 (3) The office shall:

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

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

720 (A) protect the privacy of personal data;

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

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

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

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

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

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

731 (ii) standardize language;

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

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

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

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

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

739 (v) best practices regarding:

740 (A) automated decision making;

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

742 (C) the use of website tracking technology;

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

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

811 that imposes the duty; and
 812 (B) specify the category or group of governmental entities to which the extension
 813 applies; and

814 (ii) may not be longer than 12 months.

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

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

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

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

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

823 (ii) the nature of the exemption.

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

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

827 **63A-19-302 . Chief privacy officer -- Appointment -- Powers -- Reporting.**

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

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

831 (3) The chief privacy officer:

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

833 (b) has administrative authority over the office;

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

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

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

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

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

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

843 **63A-19-401 . Duties of governmental entities.**

844 (1)(a) Except as provided in Subsections (1)(b) and (c), a governmental entity shall

845 comply with the requirements of this part.

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

850 (c) A governmental entity that is exempt under Section 63G-2-702, 63G-2-703, or
 851 63G-2-704 from complying with the requirements in Title 63G, Chapter 2, Part 6,
 852 Collection of Information and Accuracy of Records, is exempt from complying with
 853 the requirements in this chapter.

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

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

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

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

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

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

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

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

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

868 (b) A governmental entity that fulfills the reporting requirement under Section
 869 63A-19-401.3 satisfies the requirement to initiate a privacy program under
 870 Subsection (2)(a)(i).

871 (3) A governmental entity may not:

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

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

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

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

877 **63A-19-401.1 . Privacy annotations.**

878 (1)(a) Beginning July 1, 2027, a state agency shall make a complete and accurate

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

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

896 **63A-19-401.2 . Training requirements.**

- 897 [~~(1) The data privacy training program created by the office under Section 63A-4-301 shall~~
898 ~~be:]~~
- 899 [~~(a) designed to provide instruction regarding:]~~
- 900 [~~(i) data privacy best practices, obligations, and responsibilities; and]~~
- 901 [~~(ii) the relationship between privacy, records management, and security; and]~~
- 902 [~~(b) required for all employees of a governmental entity who:]~~
- 903 [~~(i) have access to personal data as part of the employee's work duties; or]~~
- 904 [~~(ii) supervise an employee who has access to personal data.]~~
- 905 [~~(2) The training described in Subsection (1) shall be completed:]~~
- 906 [~~(a) within 30 days after an employee of a governmental entity begins employment; and]~~
- 907 [~~(b) at least once in each calendar year.]~~
- 908 [~~(3) A governmental entity is responsible for:]~~
- 909 [~~(a) ensuring that each employee of the governmental entity completes the data privacy~~
910 ~~training as required by Subsection (2); and]~~
- 911 [~~(b) reporting the governmental entity's compliance with the training requirements as~~
912 ~~described in Section 63A-19-401.3.]~~

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

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

938 **63A-19-401.3 . Privacy program report.**

- 939 (1) On or before December 31 of each year, the chief administrative officer of each
940 governmental entity shall prepare a report that includes:
- 941 (a) [~~whether~~] how the governmental entity has initiated [a] the governmental entity's
942 privacy program;
 - 943 (b) a description of:
 - 944 (i) [~~any privacy practices implemented by the governmental entity~~] the governmental
945 entity's privacy program including privacy practices;
 - 946 (ii) strategies for improving and maturing the governmental entity's privacy program

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

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

969 **63A-19-401.4 . Requirements for contractors.**

- 970 (1) Except as provided in Subsection (4), a contractor that processes or has access to
- 971 personal data as a part of the contractor's duties under a contract with a governmental
- 972 entity is subject to the requirements of this chapter to the same extent as the
- 973 governmental entity for any personal data the contractor processes or has access to under
- 974 a contract with the governmental entity.
- 975 (2) A contract entered into or renewed between a contractor and a governmental entity after
- 976 July 1, ~~[2026]~~ 2027, shall contain specific language that requires a contractor to comply
- 977 with the requirements of this chapter with regard to the personal data processed or
- 978 accessed by the contractor as a part of the contractor's duties under a contract to the
- 979 same extent as required of the governmental entity.
- 980 (3) The requirements under this section are in addition to and do not replace any other

981 requirements or liability that may be imposed for the contractor's violation of other laws
982 protecting privacy rights or government records.

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

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

986 **63A-19-403 . Procedure to request amendment or correction of personal data.**

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

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

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

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

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

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

998 **63A-19-405 . Data breach notification to the Cyber Center and the Office of the**
999 **Attorney General.**

1000 (1)(a) A governmental entity that identifies a data breach affecting 500 or more
1001 individuals shall notify the Cyber Center and the attorney general of the data breach.

1002 (b) In addition to the notification required by Subsection (1)(a), a governmental entity
1003 that identifies the unauthorized access, acquisition, disclosure, loss of access, or
1004 destruction of data that compromises the security, confidentiality, availability, or
1005 integrity of the computer systems used or information maintained by the
1006 governmental entity shall [~~notify~~] provide notification to the Cyber Center in
1007 accordance with Section 63A-16-1103.

1008 (c) A governmental entity that identifies the unauthorized access, unauthorized
1009 acquisition, unauthorized disclosure, loss of access, or unauthorized destruction of
1010 personal data that is used or is reasonably likely to be used to commit theft, fraud, or
1011 other criminal acts shall provide notification of the breach to:

1012 (i) each individual whose personal data is involved in the breach; and

1013 (ii) the attorney general.

1014 (2) The notification under Subsection (1) shall:

- 1015 (a) be made without unreasonable delay, but no later than five days from the discovery
1016 of the data breach; and
- 1017 (b) include the following information:
- 1018 (i) the date and time the data breach occurred;
- 1019 (ii) the date the data breach was discovered;
- 1020 (iii) a short description of the data breach that occurred;
- 1021 (iv) the means by which access was gained to the system, computer, or network;
- 1022 (v) the person who perpetrated the data breach;
- 1023 (vi) steps the governmental entity is or has taken to mitigate the impact of the data
1024 breach; and
- 1025 (vii) any other details requested by the Cyber Center.
- 1026 (3) For a data breach [~~under~~] described in Subsection (1)(a), the governmental entity shall
1027 provide the following information to the Cyber Center and the attorney general in
1028 addition to the information required under Subsection (2)(b):
- 1029 (a) the total number of individuals affected by the data breach, including the total
1030 number of Utah residents affected; and
- 1031 (b) the type of personal data involved in the data breach.
- 1032 (4) If the information required by Subsections (2)(b) and (3) is not available within five
1033 days of discovering the breach, the governmental entity shall provide as much of the
1034 information required under Subsections (2)(b) and (3) as is available and supplement
1035 the notification with additional information as soon as the information becomes
1036 available.
- 1037 (5)(a) A governmental entity that experiences a data breach affecting fewer than 500
1038 individuals shall create an internal incident report containing the information in
1039 Subsection (2)(b) as soon as practicable and shall provide additional information as
1040 the information becomes available.
- 1041 (b) A governmental entity shall provide to the Cyber Center:
- 1042 (i) an internal incident report described in Subsection (5)(a) upon request of the
1043 Cyber Center; and
- 1044 (ii) an annual report logging all of the governmental entity's data breach incidents
1045 affecting fewer than 500 individuals.
- 1046 Section 19. Section **63A-19-406** is amended to read:
- 1047 **63A-19-406 . Data breach notice to individuals affected by data breach.**
- 1048 (1)(a) Except as provided in Subsection (1)(b), a governmental entity shall provide cause

- 1049 a data breach notice to be sent to an individual or legal guardian of an individual
1050 affected by the data breach:
- 1051 (i) after determining the scope of the data breach;
 - 1052 (ii) after restoring the reasonable integrity of the affected system, if necessary; and
 - 1053 (iii) without unreasonable delay except as provided in Subsection (2).
- 1054 (b) A governmental entity or the governmental entity's contractor is not required to
1055 provide a data breach notice to an affected individual as described in Subsection
1056 (1)(a) if the:
- 1057 (i) personal data involved in the data breach would be classified as a public record
1058 under Section 63G-2-301; and
 - 1059 (ii) the governmental entity prominently posts notice of the data breach on the
1060 homepage of the governmental entity's government website.
- 1061 (2) A governmental entity or the governmental entity's contractor shall delay providing
1062 notification under Subsection (1) at the request of a law enforcement agency that
1063 determines that notification may impede a criminal investigation, until ~~[such time as]~~the
1064 law enforcement agency informs the governmental entity that notification will no longer
1065 impede the criminal investigation.
- 1066 (3) The data breach notice to an affected individual shall include:
- 1067 (a) a description of the data breach;
 - 1068 (b) the individual's personal data that was accessed or may have been accessed;
 - 1069 (c) steps the governmental entity is taking or has taken to mitigate the impact of the data
1070 breach; and
 - 1071 (d) recommendations to the individual on how to protect ~~[themselves]~~ the individual
1072 from identity theft and other financial losses~~;~~ and .
 - 1073 ~~[(e) any other language required by the Cyber Center.]~~
- 1074 (4) Unless the governmental entity reasonably believes that providing notification would
1075 pose a threat to the safety of an individual, or unless an individual has designated to the
1076 governmental entity a preferred method of communication, a governmental entity or the
1077 governmental entity's contractor shall provide notice by:
- 1078 (a)(i) email, if reasonably available and allowed by law; or
1079 (ii) mail; and
 - 1080 (b) one of the following methods, if the individual's contact information is reasonably
1081 available and the method is allowed by law:
 - 1082 (i) text message with a summary of the data breach notice and instructions for

1083 accessing the full notice; or
 1084 (ii) telephone message with a summary of the data breach notice and instructions for
 1085 accessing the full data breach notice.

1086 (5) A governmental entity shall also provide a data breach notice in a manner that is
 1087 reasonably calculated to have the best chance of being received by the affected
 1088 individual or the legal guardian of an individual, such as through a press release, posting
 1089 on appropriate social media accounts, or publishing notice in a newspaper of general
 1090 circulation when:

1091 (a) a data breach affects more than 500 individuals; and
 1092 (b) a governmental entity is unable to obtain an individual's contact information to
 1093 provide notice for any method listed in Subsection (4).

1094 Section 20. Section **63A-19-407** is enacted to read:

1095 **63A-19-407 . Technology transparency study -- Report to Legislature.**

1096 (1) The office and the commission shall jointly study the implementation of processing
 1097 activities for which an individual's personal data may be collected without the ability to
 1098 provide direct notice:

1099 (a) the public safety benefits and legitimate governmental purposes served by the
 1100 processing activities described in this Subsection (1);
 1101 (b) the privacy implications of the processing activities described in this Subsection (1);
 1102 and
 1103 (c) appropriate frameworks for governing the processing activities described in this
 1104 Subsection (1) by governmental entities.

1105 (2) In conducting the study described in Subsection (1), the office and the commission shall
 1106 solicit input from:

1107 (a) state and local law enforcement agencies;
 1108 (b) civil liberties organizations;
 1109 (c) governmental entities that use or are considering the use of data collection
 1110 technology; and
 1111 (d) other interested stakeholders.

1112 (3) On or before the November 2027 interim meeting, the office shall report the findings
 1113 and recommendations of the study described in Subsection (2) to the Government
 1114 Operations Interim Committee, including any recommended legislation.

1115 Section 21. Section **63A-19-408**, which is renumbered from Section 63G-2-303 is renumbered
 1116 and amended to read:

1117 **[63G-2-303] 63A-19-408 . Private information concerning certain government**
1118 **employees.**

1119 (1) As used in this section:

1120 (a) "At-risk government employee" means a current or former:

1121 (i) peace officer as specified in Section 53-13-102;

1122 (ii) state or federal judge of an appellate, district, justice, or juvenile court, or court
1123 commissioner;

1124 (iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;

1125 (iv) judge authorized by Armed Forces, Title 10, United States Code;

1126 (v) federal prosecutor;

1127 (vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;

1128 (vii) law enforcement official as defined in Section 53-5a-311;

1129 (viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or

1130 (ix) state, federal, or local government employee who, because of the unique nature
1131 of the employee's regular work assignments or because of one or more recent
1132 credible threats directed to or against the employee, would be at immediate and
1133 substantial risk of physical harm if the employee's personal information is
1134 disclosed.

1135 (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an
1136 at-risk government employee who is living with the employee.

1137 (c) "Personal information" means the employee's or the employee's family member's
1138 home address, home telephone number, personal mobile telephone number, personal
1139 pager number, personal email address, social security number, insurance coverage,
1140 marital status, or payroll deductions.

1141 (2)(a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may
1142 file a written application that:

1143 (i) gives notice of the employee's status as an at-risk government employee to each
1144 agency of a government entity holding a record or a part of a record that would
1145 disclose the employee's personal information; and

1146 (ii) requests that the government agency classify those records or parts of records as
1147 private.

1148 (b) An at-risk government employee desiring to file an application under this section
1149 may request assistance from the government agency to identify the individual records
1150 containing personal information.

- 1151 (c) Each government agency shall develop a form that:
- 1152 (i) requires the at-risk government employee to designate each specific record or part
- 1153 of a record containing the employee's personal information that the applicant
- 1154 desires to be classified as private;
- 1155 (ii) affirmatively requests that the government entity holding those records classify
- 1156 them as private;
- 1157 (iii) informs the employee that by submitting a completed form the employee may
- 1158 not receive official announcements affecting the employee's property, including
- 1159 notices about proposed municipal annexations, incorporations, or zoning
- 1160 modifications; and
- 1161 (iv) contains a place for the signature required under Subsection (2)(d).
- 1162 (d) A form submitted by an employee under Subsection (2)(c) shall be signed by the
- 1163 highest ranking elected or appointed official in the employee's chain of command
- 1164 certifying that the employee submitting the form is an at-risk government employee.
- 1165 (3) A county recorder, county treasurer, county auditor, or a county tax assessor may fully
- 1166 satisfy the requirements of this section by:
- 1167 (a) providing a method for the assessment roll and index and the tax roll and index that
- 1168 will block public access to the home address, home telephone number, situs address,
- 1169 and Social Security number; and
- 1170 (b) providing the at-risk government employee requesting the classification with a
- 1171 disclaimer informing the employee that the employee may not receive official
- 1172 announcements affecting the employee's property, including notices about proposed
- 1173 annexations, incorporations, or zoning modifications.
- 1174 (4) A government agency holding records of an at-risk government employee classified as
- 1175 private under this section may release the record or part of the record if:
- 1176 (a) the employee or former employee gives written consent;
- 1177 (b) a court orders release of the records;
- 1178 (c) the government agency receives a certified death certificate for the employee or
- 1179 former employee; or
- 1180 (d) as it relates to the employee's voter registration record:
- 1181 (i) the person to whom the record or part of the record is released is a qualified
- 1182 person under Subsection 20A-2-104(4)(n); and
- 1183 (ii) the government agency's release of the record or part of the record complies with
- 1184 the requirements of Subsection 20A-2-104(4)(o).

- 1185 (5)(a) If the government agency holding the private record receives a subpoena for the
 1186 records, the government agency shall attempt to notify the at-risk government
 1187 employee or former employee by mailing a copy of the subpoena to the employee's
 1188 last-known mailing address together with a request that the employee either:
- 1189 (i) authorize release of the record; or
 - 1190 (ii) within 10 days of the date that the copy and request are mailed, deliver to the
 1191 government agency holding the private record a copy of a motion to quash filed
 1192 with the court who issued the subpoena.
- 1193 (b) The government agency shall comply with the subpoena if the government agency
 1194 has:
- 1195 (i) received permission from the at-risk government employee or former employee to
 1196 comply with the subpoena;
 - 1197 (ii) not received a copy of a motion to quash within 10 days of the date that the copy
 1198 of the subpoena was mailed; or
 - 1199 (iii) received a court order requiring release of the records.
- 1200 (6)(a) Except as provided in Subsection (6)(b), a form submitted under this section
 1201 remains in effect until the earlier of:
- 1202 (i) four years after the date the employee signs the form, whether or not the
 1203 employee's employment terminates before the end of the four-year period; and
 - 1204 (ii) one year after the government agency receives official notice of the death of the
 1205 employee.
- 1206 (b) A form submitted under this section may be rescinded at any time by:
- 1207 (i) the at-risk government employee who submitted the form; or
 - 1208 (ii) if the at-risk government employee is deceased, a member of the employee's
 1209 immediate family.
- 1210 Section 22. Section **63A-19-501** is amended to read:
- 1211 **63A-19-501 . Data privacy ombudsperson.**
- 1212 (1) ~~[The governor shall appoint a data privacy ombudsperson with the advice of the~~
 1213 ~~governing board.] There is created within the office the position of data privacy~~
 1214 ~~ombudsperson.~~
- 1215 (2) The governor shall appoint the ombudsperson with the advice of the governing board.
- 1216 ~~[(2)] (3)~~ The ombudsperson shall:
- 1217 (a) be an attorney in good standing and authorized to practice law in this state;
 - 1218 (b) be familiar with the provisions of:

- 1219 (i) this chapter;
- 1220 (ii) Chapter 12, Division of Archives and Records Service and Management of
- 1221 Government Records; and
- 1222 (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 1223 ~~[(b)]~~ (c) serve as a resource for:
- 1224 (i) an individual who is making ~~[or responding to a complaint about a governmental~~
- 1225 ~~entity's data privacy practice]~~ a data privacy complaint; and
- 1226 (ii) a governmental entity ~~[which]~~ that is the subject of a data privacy complaint.
- 1227 ~~[(3)]~~ (4) The ombudsperson may~~;~~ :
- 1228 (a)(i) upon request by a governmental entity or individual, mediate ~~[data privacy~~
- 1229 ~~disputes between individuals and governmental entities]~~ a dispute between the
- 1230 governmental entity and the individual regarding the individual's data privacy
- 1231 complaint; and
- 1232 (ii) upon resolution of a data privacy complaint described in Subsection (4)(a)(i), post
- 1233 on the office's website a brief summary of the data privacy complaint and the
- 1234 resolution of the matter; and
- 1235 (b) provide data privacy education and training in accordance with Subsection
- 1236 63A-19-301(3)(g).
- 1237 (5) The ombudsperson may not:
- 1238 (a) mediate a dispute between a governmental entity and an individual if the individual's
- 1239 data privacy complaint is within the authority of:
- 1240 (i) the Government Records Office created in Section 63A-12-202; or
- 1241 (ii) the government records ombudsman established in Section 63A-12-204;
- 1242 (b) expand the scope of a mediation beyond the individual's data privacy complaint;
- 1243 (c) testify, or be compelled to testify, regarding a matter for which the ombudsperson
- 1244 provides services under this section; or
- 1245 (d) conduct an audit of a governmental entity's privacy practices.
- 1246 ~~[(4)]~~ (6) After consultation with the chief privacy officer, the ombudsperson may raise [~~issues]~~
- 1247 matters and questions ~~[before]~~ to the governing board~~[- regarding serious and~~
- 1248 ~~repeated violations of data privacy from:]~~ .
- 1249 ~~[(a) a specific governmental entity; or]~~
- 1250 ~~[(b) widespread governmental entity data privacy practices.]~~
- 1251 ~~[(5) When a data privacy complaint has been resolved, the ombudsperson shall post on the~~
- 1252 ~~office's website a summary of the complaint and the resolution of the matter.]~~

1253 Section 23. Section **63A-19-502** is enacted to read:

1254 **63A-19-502 . Data privacy complaint process.**

- 1255 (1) An individual who makes a data privacy complaint shall first submit the complaint to
 1256 the chief administrative officer of the governmental entity that is the subject of the
 1257 complaint.
- 1258 (2) Upon receipt of a data privacy complaint under Subsection (1), the chief administrative
 1259 officer shall attempt to resolve the complaint with the individual.
- 1260 (3) If the chief administrative officer is unable to resolve a data privacy complaint with the
 1261 individual under Subsection (2), the individual or the governmental entity may request
 1262 mediation with the ombudsperson in accordance with Section 63A-19-501.
- 1263 (4) If an individual submits a data privacy complaint directly to the ombudsperson, the
 1264 ombudsperson shall:
- 1265 (a) notify the individual and the governmental entity that the complaint will be referred
 1266 to the chief administrative officer of the governmental entity; and
- 1267 (b) refer the complaint to the chief administrative officer.
- 1268 (5) This section does not apply to a complaint about data privacy that is within the authority
 1269 of:
- 1270 (a) the Government Records Office created in Section 63A-12-202; or
- 1271 (b) the government records ombudsman established in Section 63A-12-204.
- 1272 (6) An employee of a governmental entity may submit a confidential and anonymous data
 1273 privacy complaint directly to the attorney general.
- 1274 (7) An employee of a governmental entity who submits a complaint under Subsection (6) is
 1275 entitled to the protections described in Title 67, Chapter 21, Utah Protection of Public
 1276 Employees Act.

1277 Section 24. Section **63G-2-201** is amended to read:

1278 **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,**
 1279 **protected, and other restricted records -- Disclosure and nondisclosure of records --**
 1280 **Certified copy of record -- Limits on obligation to respond to record request.**

- 1281 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public
 1282 record free of charge, and the right to take a copy of a public record during normal
 1283 working hours, subject to Sections 63G-2-203 and 63G-2-204.
- 1284 (b) A right under Subsection (1)(a) does not apply with respect to a record:
- 1285 (i) a copy of which the governmental entity has already provided to the person;
- 1286 (ii) that is the subject of a records request that the governmental entity is not required

- 1287 to fill under Subsection (7)(a)(v); or
- 1288 (iii)(A) that is accessible only by a computer or other electronic device owned or
- 1289 controlled by the governmental entity;
- 1290 (B) that is part of an electronic file that also contains a record that is private,
- 1291 controlled, or protected; and
- 1292 (C) that the governmental entity cannot readily segregate from the part of the
- 1293 electronic file that contains a private, controlled, or protected record.
- 1294 (2) A record is public unless otherwise expressly provided by statute.
- 1295 (3) The following records are not public:
- 1296 (a) a record that is private, controlled, or protected under Sections 63G-2-302, [
1297 ~~63G-2-303~~] 63A-19-408, 63G-2-304, and 63G-2-305; and
- 1298 (b) a record to which access is restricted pursuant to court rule, another state statute,
1299 federal statute, or federal regulation, including records for which access is governed
1300 or restricted as a condition of participation in a state or federal program or for
1301 receiving state or federal funds.
- 1302 (4) Only a record specified in Section 63G-2-302, [~~63G-2-303~~] 63A-19-408, 63G-2-304, or
1303 63G-2-305 may be classified private, controlled, or protected.
- 1304 (5)(a) A governmental entity may not disclose a record that is private, controlled, or
1305 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),
1306 Section 63G-2-202, 63G-2-206, or [~~63G-2-303~~] 63A-19-408.
- 1307 (b) A governmental entity may disclose a record that is private under Subsection
1308 63G-2-302(2) or protected under Section 63G-2-305 to persons other than those
1309 specified in Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or
1310 a designee, determines that:
- 1311 (i) there is no interest in restricting access to the record; or
- 1312 (ii) the interests favoring access are greater than or equal to the interest favoring
1313 restriction of access.
- 1314 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may
1315 disclose a record that is protected under Subsection 63G-2-305(51) if:
- 1316 (i) the head of the governmental entity, or a designee, determines that the disclosure:
- 1317 (A) is mutually beneficial to:
- 1318 (I) the subject of the record;
- 1319 (II) the governmental entity; and
- 1320 (III) the public; and

- 1321 (B) serves a public purpose related to:
- 1322 (I) public safety; or
- 1323 (II) consumer protection; and
- 1324 (ii) the person who receives the record from the governmental entity agrees not to use
- 1325 or allow the use of the record for advertising or solicitation purposes.
- 1326 (6) A governmental entity shall provide a person with a certified copy of a record if:
- 1327 (a) the person requesting the record has a right to inspect it;
- 1328 (b) the person identifies the record with reasonable specificity; and
- 1329 (c) the person pays the lawful fees.
- 1330 (7)(a) In response to a request, a governmental entity is not required to:
- 1331 (i) create a record;
- 1332 (ii) compile, format, manipulate, package, summarize, or tailor information;
- 1333 (iii) provide a record in a particular format, medium, or program not currently
- 1334 maintained by the governmental entity;
- 1335 (iv) fulfill a person's records request if the request unreasonably duplicates prior
- 1336 records requests from that person;
- 1337 (v) fill a person's records request if:
- 1338 (A) the record requested is:
- 1339 (I) publicly accessible online; or
- 1340 (II) included in a public publication or product produced by the governmental
- 1341 entity receiving the request; and
- 1342 (B) the governmental entity:
- 1343 (I) specifies to the person requesting the record where the record is accessible
- 1344 online; or
- 1345 (II) provides the person requesting the record with the public publication or
- 1346 product and specifies where the record can be found in the public
- 1347 publication or product; or
- 1348 (vi) fulfill a person's records request if:
- 1349 (A) the person has been determined under Section 63G-2-209 to be a vexatious
- 1350 requester;
- 1351 (B) the order of the director of the Government Records Office determining the
- 1352 person to be a vexatious requester provides that the governmental entity is not
- 1353 required to fulfill a request from the person for a period of time; and
- 1354 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.

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

1389 to make the copies at the governmental entity's offices and waive the fees for
1390 copying the records.

1391 (11)(a) A governmental entity that owns an intellectual property right and that offers the
1392 intellectual property right for sale or license may control by ordinance or policy the
1393 duplication and distribution of the material based on terms the governmental entity
1394 considers to be in the public interest.

1395 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections
1396 granted to the governmental entity under federal copyright or patent law as a result of
1397 its ownership of the intellectual property right.

1398 (12) A governmental entity may not use the physical form, electronic or otherwise, in
1399 which a record is stored to deny, or unreasonably hinder the rights of a person to inspect
1400 and receive a copy of a record under this chapter.

1401 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide
1402 access to an electronic copy of a record in lieu of providing access to its paper
1403 equivalent if:

- 1404 (a) the person making the request requests or states a preference for an electronic copy;
- 1405 (b) the governmental entity currently maintains the record in an electronic format that is
1406 reproducible and may be provided without reformatting or conversion; and
- 1407 (c) the electronic copy of the record:
 - 1408 (i) does not disclose other records that are exempt from disclosure; or
 - 1409 (ii) may be segregated to protect private, protected, or controlled information from
1410 disclosure without the undue expenditure of public resources or funds.

1411 (14) In determining whether a record is properly classified as private under Subsection
1412 63G-2-302(2)(d), the governmental entity, the director of the Government Records
1413 Office, local appeals board, or court shall consider and weigh:

- 1414 (a) any personal privacy interests, including those in images, that would be affected by
1415 disclosure of the records in question; and
- 1416 (b) any public interests served by disclosure.

1417 Section 25. Section **63G-2-301** is amended to read:

1418 **63G-2-301 . Public records.**

1419 (1) As used in this section:

- 1420 (a) "Business address" means a single address of a governmental agency designated for
1421 the public to contact an employee or officer of the governmental agency.
- 1422 (b) "Business email address" means a single email address of a governmental agency

- 1423 designated for the public to contact an employee or officer of the governmental
1424 agency.
- 1425 (c) "Business telephone number" means a single telephone number of a governmental
1426 agency designated for the public to contact an employee or officer of the
1427 governmental agency.
- 1428 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 1429 (2) The following records are public except to the extent they contain information expressly
1430 permitted to be treated confidentially under the provisions of Subsections
1431 63G-2-201(3)(b) and (6)(a):
- 1432 (a) laws;
- 1433 (b) the name, gender, gross compensation, job title, job description, business address,
1434 business email address, business telephone number, number of hours worked per pay
1435 period, dates of employment, and relevant education, previous employment, and
1436 similar job qualifications of a current or former employee or officer of the
1437 governmental entity, excluding:
- 1438 (i) undercover law enforcement personnel; and
1439 (ii) investigative personnel if disclosure could reasonably be expected to impair the
1440 effectiveness of investigations or endanger any individual's safety;
- 1441 (c) final opinions, including concurring and dissenting opinions, and orders that are
1442 made by a governmental entity in an administrative, adjudicative, or judicial
1443 proceeding except that if the proceedings were properly closed to the public, the
1444 opinion and order may be withheld to the extent that they contain information that is
1445 private, controlled, or protected;
- 1446 (d) final interpretations of statutes or rules by a governmental entity unless classified as
1447 protected as provided in Subsection 63G-2-305(17) or (18);
- 1448 (e) information contained in or compiled from a transcript, minutes, or report of the open
1449 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,
1450 Open and Public Meetings Act, including the records of all votes of each member of
1451 the governmental entity;
- 1452 (f) judicial records unless a court orders the records to be restricted under the rules of
1453 civil or criminal procedure or unless the records are private under this chapter;
- 1454 (g) unless otherwise classified as private under Section [63G-2-303] 63A-19-408, records
1455 or parts of records filed with or maintained by county recorders, clerks, treasurers,
1456 surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the

- 1457 School and Institutional Trust Lands Administration, the Division of Oil, Gas, and
1458 Mining, the Division of Water Rights, or other governmental entities that give public
1459 notice of:
- 1460 (i) titles or encumbrances to real property;
 - 1461 (ii) restrictions on the use of real property;
 - 1462 (iii) the capacity of persons to take or convey title to real property; or
 - 1463 (iv) tax status for real and personal property;
- 1464 (h) records of the Department of Commerce that evidence incorporations, mergers, name
1465 changes, and uniform commercial code filings;
- 1466 (i) data on individuals that would otherwise be private under this chapter if the
1467 individual who is the subject of the record has given the governmental entity written
1468 permission to make the records available to the public;
- 1469 (j) documentation of the compensation that a governmental entity pays to a contractor or
1470 private provider;
- 1471 (k) summary data;
- 1472 (l) voter registration records, including an individual's voting history, except for a voter
1473 registration record or those parts of a voter registration record that are classified as
1474 private under Subsections 63G-2-302(1)(j) through (n) or withheld under Subsection
1475 20A-2-104(7);
- 1476 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if
1477 available, and email address, if available, where that elected official may be reached
1478 as required in Title 11, Chapter 47, Access to Elected Officials;
- 1479 (n) for a school community council member, a telephone number, if available, and email
1480 address, if available, where that elected official may be reached directly as required
1481 in Section 53G-7-1203;
- 1482 (o) annual audited financial statements of the Utah Educational Savings Plan described
1483 in Section 53H-10-210; and
- 1484 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as
1485 defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 1486 (3) The following records are normally public, but to the extent that a record is expressly
1487 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
1488 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 1489 (a) administrative staff manuals, instructions to staff, and statements of policy;
 - 1490 (b) records documenting a contractor's or private provider's compliance with the terms

- 1491 of a contract with a governmental entity;
- 1492 (c) records documenting the services provided by a contractor or a private provider to
- 1493 the extent the records would be public if prepared by the governmental entity;
- 1494 (d) contracts entered into by a governmental entity;
- 1495 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
- 1496 by a governmental entity;
- 1497 (f) records relating to government assistance or incentives publicly disclosed, contracted
- 1498 for, or given by a governmental entity, encouraging a person to expand or relocate a
- 1499 business in Utah, except as provided in Subsection 63G-2-305(35);
- 1500 (g) chronological logs and initial contact reports;
- 1501 (h) correspondence by and with a governmental entity in which the governmental entity
- 1502 determines or states an opinion upon the rights of the state, a political subdivision,
- 1503 the public, or any person;
- 1504 (i) empirical data contained in drafts if:
- 1505 (i) the empirical data is not reasonably available to the requester elsewhere in similar
- 1506 form; and
- 1507 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
- 1508 make nonsubstantive changes before release;
- 1509 (j) drafts that are circulated to anyone other than:
- 1510 (i) a governmental entity;
- 1511 (ii) a political subdivision;
- 1512 (iii) a federal agency if the governmental entity and the federal agency are jointly
- 1513 responsible for implementation of a program or project that has been legislatively
- 1514 approved;
- 1515 (iv) a government-managed corporation; or
- 1516 (v) a contractor or private provider;
- 1517 (k) drafts that have never been finalized but were relied upon by the governmental entity
- 1518 in carrying out action or policy;
- 1519 (l) original data in a computer program if the governmental entity chooses not to
- 1520 disclose the program;
- 1521 (m) arrest warrants after issuance, except that, for good cause, a court may order
- 1522 restricted access to arrest warrants prior to service;
- 1523 (n) search warrants after execution and filing of the return, except that a court, for good
- 1524 cause, may order restricted access to search warrants prior to trial;

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

1548 Section 26. Section **63G-2-302** is amended to read:

1549 **63G-2-302 . Private records.**

- 1550 (1) The following records are private:
- 1551 (a) records concerning an individual's eligibility for unemployment insurance benefits,
 1552 social services, welfare benefits, or the determination of benefit levels;
- 1553 (b) records containing data on individuals describing medical history, diagnosis,
 1554 condition, treatment, evaluation, or similar medical data;
- 1555 (c) records of publicly funded libraries that when examined alone or with other records
 1556 identify a patron;
- 1557 (d) records received by or generated by or for:
- 1558 (i) the Independent Legislative Ethics Commission, except for:

- 1559 (A) the commission's summary data report that is required under legislative rule;
1560 and
1561 (B) any other document that is classified as public under legislative rule; or
1562 (ii) a Senate or House Ethics Committee in relation to the review of ethics
1563 complaints, unless the record is classified as public under legislative rule;
- 1564 (e) records received by, or generated by or for, the Independent Executive Branch Ethics
1565 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,
1566 Review of Executive Branch Ethics Complaints;
- 1567 (f) records received or generated for a Senate confirmation committee concerning
1568 character, professional competence, or physical or mental health of an individual:
1569 (i) if, prior to the meeting, the chair of the committee determines release of the
1570 records:
1571 (A) reasonably could be expected to interfere with the investigation undertaken by
1572 the committee; or
1573 (B) would create a danger of depriving a person of a right to a fair proceeding or
1574 impartial hearing; and
1575 (ii) after the meeting, if the meeting was closed to the public;
- 1576 (g) employment records concerning a current or former employee of, or applicant for
1577 employment with, a governmental entity that would disclose that individual's home
1578 address, home telephone number, social security number, insurance coverage, marital
1579 status, or payroll deductions;
- 1580 (h) records or parts of records under Section [~~63G-2-303~~] 63A-19-408 that a current or
1581 former employee identifies as private according to the requirements of that section;
- 1582 (i) that part of a record indicating a person's social security number or federal employer
1583 identification number if provided under Section 31A-23a-104, 31A-25-202,
1584 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 1585 (j) that part of a voter registration record identifying a voter's:
1586 (i) driver license or identification card number;
1587 (ii) social security number, or last four digits of the social security number;
1588 (iii) email address;
1589 (iv) date of birth; or
1590 (v) phone number;
- 1591 (k) a voter registration record that is classified as a private record by the lieutenant
1592 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or

- 1593 20A-2-204(4)(b);
- 1594 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 1595 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
- 1596 verification submitted in support of the form;
- 1597 (n) a record or information regarding whether a voter returned a ballot with postage
- 1598 attached;
- 1599 (o) a record that:
- 1600 (i) contains information about an individual;
- 1601 (ii) is voluntarily provided by the individual; and
- 1602 (iii) goes into an electronic database that:
- 1603 (A) is designated by and administered under the authority of the [~~Chief~~
- 1604 ~~Information Officer~~] chief information officer; and
- 1605 (B) acts as a repository of information about the individual that can be
- 1606 electronically retrieved and used to facilitate the individual's online interaction
- 1607 with a state agency;
- 1608 (p) information provided to the [~~Commissioner of Insurance~~] commissioner of insurance
- 1609 under:
- 1610 (i) Subsection 31A-23a-115(3)(a);
- 1611 (ii) Subsection 31A-23a-302(4); or
- 1612 (iii) Subsection 31A-26-210(4);
- 1613 (q) information obtained through a criminal background check under Title 11, Chapter
- 1614 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 1615 (r) information provided by an offender that is:
- 1616 (i) required by the registration requirements of Title 53, Chapter 29, Sex, Kidnap, and
- 1617 Child Abuse Offender Registry; and
- 1618 (ii) not required to be made available to the public under Subsection 53-29-404(3)(a);
- 1619 (s) a statement and any supporting documentation filed with the attorney general in
- 1620 accordance with Section 34-45-107, if the federal law or action supporting the filing
- 1621 involves homeland security;
- 1622 (t) electronic toll collection customer account information received or collected under
- 1623 Section 72-6-118 and customer information described in Section 17B-2a-815
- 1624 received or collected by a public transit district, including contact and payment
- 1625 information and customer travel data;
- 1626 (u) an email address provided by a military or overseas voter under Section 20A-16-501;

- 1627 (v) a completed military-overseas ballot that is electronically transmitted under Title
1628 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 1629 (w) records received by or generated by or for the Political Subdivisions Ethics Review
1630 Commission established in Section 63A-15-201, except for:
1631 (i) the commission's summary data report that is required in Section 63A-15-202; and
1632 (ii) any other document that is classified as public in accordance with Title 63A,
1633 Chapter 15, Political Subdivisions Ethics Review Commission;
- 1634 (x) a record described in Section 53G-9-604 that verifies that a parent was notified of an
1635 incident or threat;
- 1636 (y) a criminal background check or credit history report conducted in accordance with
1637 Section 63A-3-201;
- 1638 (z) a record described in Subsection 53-5a-104(7);
- 1639 (aa) on a record maintained by a county for the purpose of administering property taxes,
1640 an individual's:
1641 (i) email address;
1642 (ii) phone number; or
1643 (iii) personal financial information related to a person's payment method;
- 1644 (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
1645 exemption, deferral, abatement, or relief under:
1646 (i) Title 59, Chapter 2, Part 11, Exemptions; or
1647 (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;
- 1648 (cc) a record provided by the State Tax Commission in response to a request under
1649 Subsection 59-1-403(4)(y)(iii);
- 1650 (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual
1651 child welfare case, as described in Subsection 36-33-103(3);
- 1652 (ee) a record relating to drug or alcohol testing of a state employee under Section
1653 63A-17-1004;
- 1654 (ff) a record relating to a request by a state elected official or state employee who has
1655 been threatened to the Division of Technology Services to remove personal
1656 identifying information from the open web under Section 63A-16-109;
- 1657 (gg) a record including confidential information as that term is defined in Section
1658 67-27-106; and
- 1659 (hh) a record or notice received or generated under Title 53, Chapter 30, Security
1660 Improvements Act, relating to:

- 1661 (i) an application for certification described in Section 53-30-201; or
1662 (ii) a security improvement, including a building permit application or building
1663 permit for a security improvement described in Section 53-30-301.
- 1664 (2) The following records are private if properly classified by a governmental entity:
- 1665 (a) records concerning a current or former employee of, or applicant for employment
1666 with a governmental entity, including performance evaluations and personal status
1667 information such as race, religion, or disabilities, but not including records that are
1668 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under
1669 Subsection (1)(b);
- 1670 (b) records describing an individual's finances, except that the following are public:
- 1671 (i) records described in Subsection 63G-2-301(2);
1672 (ii) information provided to the governmental entity for the purpose of complying
1673 with a financial assurance requirement; or
1674 (iii) records that must be disclosed in accordance with another statute;
- 1675 (c) records of independent state agencies if the disclosure of those records would
1676 conflict with the fiduciary obligations of the agency;
- 1677 (d) other records containing data on individuals the disclosure of which constitutes a
1678 clearly unwarranted invasion of personal privacy;
- 1679 (e) records provided by the United States or by a government entity outside the state that
1680 are given with the requirement that the records be managed as private records, if the
1681 providing entity states in writing that the record would not be subject to public
1682 disclosure if retained by it;
- 1683 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
1684 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
1685 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
1686 vulnerable adult; and
- 1687 (g) audio and video recordings created by a body-worn camera, as defined in Section
1688 77-7a-103, that record sound or images inside a home or residence except for
1689 recordings that:
- 1690 (i) depict the commission of an alleged crime;
1691 (ii) record any encounter between a law enforcement officer and a person that results
1692 in death or bodily injury, or includes an instance when an officer fires a weapon;
1693 (iii) record any encounter that is the subject of a complaint or a legal proceeding
1694 against a law enforcement officer or law enforcement agency;

- 1695 (iv) contain an officer-involved critical incident as defined in Subsection
 1696 76-2-408(1)(f); or
 1697 (v) have been requested for reclassification as a public record by a subject or
 1698 authorized agent of a subject featured in the recording.
- 1699 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
 1700 statements, history, diagnosis, condition, treatment, and evaluation.
- 1701 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
 1702 doctors, or affiliated entities are not private records or controlled records under
 1703 Section 63G-2-304 when the records are sought:
- 1704 (i) in connection with any legal or administrative proceeding in which the patient's
 1705 physical, mental, or emotional condition is an element of any claim or defense; or
 1706 (ii) after a patient's death, in any legal or administrative proceeding in which any
 1707 party relies upon the condition as an element of the claim or defense.
- 1708 (c) Medical records are subject to production in a legal or administrative proceeding
 1709 according to state or federal statutes or rules of procedure and evidence as if the
 1710 medical records were in the possession of a nongovernmental medical care provider.

1711 Section 27. Section **63G-2-601** is amended to read:

1712 **63G-2-601 . Rights of individuals on whom data is maintained -- Classification**
 1713 **statement filed with state archivist -- Notice to provider of information.**

- 1714 (1)(a) Each governmental entity shall file with the state archivist a statement explaining,
 1715 for each record series collected, maintained, or used by the governmental entity, the
 1716 purposes for which each private or controlled record in the record series is collected,
 1717 maintained, or used by that governmental entity.
- 1718 (b) The statement filed under Subsection (1)(a):
- 1719 (i) shall identify the authority under which the governmental entity collects the
 1720 records or information included in the statement described in Subsection (1)(a);
 1721 and
 1722 (ii) is a public record.
- 1723 (2) A governmental entity may only use the information contained in a controlled or private
 1724 record for:
- 1725 (a) the purposes described in the statement provided under Subsection (1); or
 1726 (b) the purposes for which another governmental entity may use the record under
 1727 Section 63G-2-206.
- 1728 [~~(2)(a) A governmental entity shall provide the notice described in this Subsection (2)~~]

- 1729 to a person that is asked to furnish information that could be classified as a private or
 1730 controlled record.]
- 1731 [(b) The notice required under Subsection (2)(a) shall:]
- 1732 [(i) identify the record series that includes the information described in Subsection
 1733 (2)(a);]
- 1734 [(ii) state the reasons the person is asked to furnish the information;]
- 1735 [(iii) state the intended uses of the information;]
- 1736 [(iv) state the consequences for refusing to provide the information; and]
- 1737 [(v) disclose the classes of persons and the governmental entities that currently:]
- 1738 [(A) share the information with the governmental entity; or]
- 1739 [(B) receive the information from the governmental entity on a regular or
 1740 contractual basis.]
- 1741 [(c) The governmental entity shall:]
- 1742 [(i) post the notice required under this Subsection (2) in a prominent place at all
 1743 locations where the governmental entity collects the information; or]
- 1744 [(ii) include the notice required under this Subsection (2) as part of the documents or
 1745 forms that are used by the governmental entity to collect the information.]
- 1746 [(3) Upon request, each governmental entity shall, in relation to the information described
 1747 in Subsection (2)(a), as applicable, explain to a person:]
- 1748 [(a) the reasons the person is asked to furnish information;]
- 1749 [(b) the intended uses of the information;]
- 1750 [(c) the consequences for refusing to provide the information; and]
- 1751 [(d) the reasons and circumstances under which the information may be shared with, or
 1752 provided to, other persons or governmental entities.]
- 1753 [(4) A governmental entity may use the information that the governmental entity is required
 1754 to disclose under Subsection (2)(a) only for those purposes:]
- 1755 [(a) given in the statement filed with the state archivist under Subsection (1); or]
- 1756 [(b) for which another governmental entity may use the record under Section 63G-2-206.]
- 1757 Section 28. Section **63G-2-803** is amended to read:
- 1758 **63G-2-803 . No individual liability for certain decisions of a governmental entity.**
- 1759 (1) Neither the governmental entity, nor any officer or employee of the governmental
 1760 entity, is liable for damages resulting from the release of a record where the person or
 1761 government requesting the record presented evidence of authority to obtain the record
 1762 even if it is subsequently determined that the requester had no authority.

- 1763 (2) Neither the governmental entity, nor any officer or employee of the governmental
 1764 entity, is liable for damages arising from the negligent disclosure of records classified as
 1765 private under Subsection 63G-2-302(1)(g) unless:
 1766 (a) the disclosure was of employment records maintained by the governmental entity; or
 1767 (b) the current or former government employee had previously filed the notice required
 1768 by Section [~~63G-2-303~~] 63A-19-408 and:
 1769 (i) the government entity did not take reasonable steps to preclude access or
 1770 distribution of the record; or
 1771 (ii) the release of the record was otherwise willfully or grossly negligent.
- 1772 (3) A mailing from a government agency to an individual who has filed an application
 1773 under Section [~~63G-2-303~~] 63A-19-408 is not a wrongful disclosure under this chapter or
 1774 under Title 63A, Chapter 12, Division of Archives and Records Service and
 1775 Management of Government Records.

1776 Section 29. Section **67-1a-15** is amended to read:

1777 **67-1a-15 . Local government and limited purpose entity registry.**

- 1778 (1) As used in this section:
- 1779 (a) "Entity" means a limited purpose entity or a local government entity.
- 1780 (b)(i) "Limited purpose entity" means a legal entity that:
- 1781 (A) performs a single governmental function or limited governmental functions;
 1782 and
- 1783 (B) is not a state executive branch agency, a state legislative office, or within the
 1784 judicial branch.
- 1785 (ii) "Limited purpose entity" includes:
- 1786 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as
 1787 those terms are defined in Section 26B-6-101;
- 1788 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;
- 1789 (C) community reinvestment agencies, as that term is defined in Section
 1790 17C-1-102;
- 1791 (D) conservation districts, as that term is defined in Section 17D-3-102;
- 1792 (E) governmental nonprofit corporations, as that term is defined in Section
 1793 11-13a-102;
- 1794 (F) housing authorities, as that term is defined in Section 35A-8-401;
- 1795 (G) independent entities and independent state agencies, as those terms are
 1796 defined in Section 63E-1-102;

- 1797 (H) interlocal entities, as that term is defined in Section 11-13-103;
- 1798 (I) local building authorities, as that term is defined in Section 17D-2-102;
- 1799 (J) special districts, as that term is defined in Section 17B-1-102;
- 1800 (K) local health departments, as that term is defined in Section 26A-1-102;
- 1801 (L) local mental health authorities, as that term is defined in Section 62A-15-102;
- 1802 (M) nonprofit corporations that receive an amount of money requiring an
- 1803 accounting report under Section 51-2a-201.5;
- 1804 (N) school districts under Title 53G, Chapter 3, School District Creation and
- 1805 Change;
- 1806 (O) special service districts, as that term is defined in Section 17D-1-102; and
- 1807 (P) substance abuse authorities, as that term is defined in Section 62A-15-102.
- 1808 (c) "Local government and limited purpose entity registry" or "registry" means the
- 1809 registry of local government entities and limited purpose entities created under this
- 1810 section.
- 1811 (d) "Local government entity" means:
- 1812 (i) a county, as that term is defined in Section 17-60-101; and
- 1813 (ii) a municipality, as that term is defined in Section 10-1-104.
- 1814 (e) "Notice of failure to register" means the notice the lieutenant governor sends, in
- 1815 accordance with Subsection (7)(a), to an entity that does not register.
- 1816 (f) "Notice of failure to renew" means the notice the lieutenant governor sends to a
- 1817 registered entity, in accordance with Subsection (7)(b).
- 1818 (g) "Notice of noncompliance" means the notice the lieutenant governor sends to a
- 1819 registered entity, in accordance with Subsection (6)(c).
- 1820 (h) "Notice of non-registration" means the notice the lieutenant governor sends to an
- 1821 entity and the state auditor, in accordance with Subsection (9).
- 1822 (i) "Notice of registration or renewal" means the notice the lieutenant governor sends, in
- 1823 accordance with Subsection (6)(b)(i).
- 1824 (j) "Registered entity" means an entity with a valid registration as described in
- 1825 Subsection (8).
- 1826 (2) The lieutenant governor shall:
- 1827 (a) create a registry of each local government entity and limited purpose entity within
- 1828 the state that:
- 1829 (i) contains the information described in Subsection (4); and
- 1830 (ii) is accessible on the lieutenant governor's website or otherwise publicly available;

- 1831 and
- 1832 (b) establish fees for registration and renewal, in accordance with Section 63J-1-504,
1833 based on and to directly offset the cost of creating, administering, and maintaining
1834 the registry.
- 1835 (3) Each local government entity and limited purpose entity shall:
- 1836 (a) on or before July 1, 2019, register with the lieutenant governor as described in
1837 Subsection (4);
- 1838 (b) on or before one year after the day on which the lieutenant governor issues the notice
1839 of registration or renewal, annually renew the entity's registration in accordance with
1840 Subsection (5); and
- 1841 (c) on or before 30 days after the day on which any of the information described in
1842 Subsection (4) changes, send notice of the changes to the lieutenant governor.
- 1843 (4) Each entity shall include the following information in the entity's registration
1844 submission:
- 1845 (a) the resolution or other legal or formal document creating the entity or, if the
1846 resolution or other legal or formal document creating the entity cannot be located,
1847 conclusive proof of the entity's lawful creation;
- 1848 (b) if the entity has geographic boundaries, a map or plat identifying the current
1849 geographic boundaries of the entity, or if it is impossible or unreasonably expensive
1850 to create a map or plat, a metes and bounds description, or another legal description
1851 that identifies the current boundaries of the entity;
- 1852 (c) the entity's name;
- 1853 (d) the entity's type of local government entity or limited purpose entity;
- 1854 (e) the entity's governmental function;
- 1855 (f) the entity's website, physical address, and phone number, including the name and
1856 contact information of an individual whom the entity designates as the primary
1857 contact for the entity;
- 1858 (g)(i) names, email addresses, and phone numbers of the members of the entity's
1859 governing board or commission, managing officers, or other similar managers and
1860 the method by which the members or officers are appointed, elected, or otherwise
1861 designated;
- 1862 (ii) the date of the most recent appointment or election of each entity governing board
1863 or commission member; and
- 1864 (iii) the date of the anticipated end of each entity governing board or commission

- 1865 member's term;
- 1866 (h) the entity's sources of revenue; and
- 1867 (i) if the entity has created an assessment area, as that term is defined in Section
- 1868 11-42-102, information regarding the creation, purpose, and boundaries of the
- 1869 assessment area.
- 1870 (5) Each entity shall include the following information in the entity's renewal submission:
- 1871 (a) identify and update any incorrect or outdated information the entity previously
- 1872 submitted during registration under Subsection (4); or
- 1873 (b) certify that the information the entity previously submitted during registration under
- 1874 Subsection (4) is correct without change.
- 1875 (6) Within 30 days of receiving an entity's registration or renewal submission, the lieutenant
- 1876 governor shall:
- 1877 (a) review the submission to determine compliance with Subsection (4) or (5);
- 1878 (b) if the lieutenant governor determines that the entity's submission complies with
- 1879 Subsection (4) or (5):
- 1880 (i) send a notice of registration or renewal that includes the information that the entity
- 1881 submitted under Subsection (4) or (5) to:
- 1882 (A) the registering or renewing entity;
- 1883 (B) each county in which the entity operates, either in whole or in part, or where
- 1884 the entity's geographic boundaries overlap or are contained within the
- 1885 boundaries of the county;
- 1886 (C) the Division of Archives and Records Service; and
- 1887 (D) the Office of the Utah State Auditor; and
- 1888 (ii) publish the information from the submission on the registry, except any email
- 1889 address or phone number that is personal information as defined in Section [
- 1890 ~~63G-2-303~~ 63A-19-408; and
- 1891 (c) if the lieutenant governor determines that the entity's submission does not comply
- 1892 with Subsection (4) or (5) or is otherwise inaccurate or deficient, send a notice of
- 1893 noncompliance to the registering or renewing entity that:
- 1894 (i) identifies each deficiency in the entity's submission with the corresponding
- 1895 statutory requirement;
- 1896 (ii) establishes a deadline to cure the entity's noncompliance that is the first business
- 1897 day that is at least 30 calendar days after the day on which the lieutenant governor
- 1898 sends the notice of noncompliance; and

1899 (iii) states that failure to comply by the deadline the lieutenant governor establishes
1900 under Subsection (6)(c)(ii) will result in the lieutenant governor sending a notice
1901 of non-registration to the Office of the Utah State Auditor, in accordance with
1902 Subsection (9).

1903 (7)(a) If the lieutenant governor identifies an entity that does not make a registration
1904 submission in accordance with Subsection (4) by the deadline described in
1905 Subsection (3), the lieutenant governor shall send a notice of failure to register to the
1906 registered entity that:

1907 (i) identifies the statutorily required registration deadline described in Subsection (3)
1908 that the entity did not meet;

1909 (ii) establishes a deadline to cure the entity's failure to register that is the first
1910 business day that is at least 10 calendar days after the day on which the lieutenant
1911 governor sends the notice of failure to register; and

1912 (iii) states that failure to comply by the deadline the lieutenant governor establishes
1913 under Subsection (7)(a)(ii) will result in the lieutenant governor sending a notice
1914 of non-registration to the Office of the Utah State Auditor, in accordance with
1915 Subsection (9).

1916 (b) If a registered entity does not make a renewal submission in accordance with
1917 Subsection (5) by the deadline described in Subsection (3), the lieutenant governor
1918 shall send a notice of failure to renew to the registered entity that:

1919 (i) identifies the renewal deadline described in Subsection (3) that the entity did not
1920 meet;

1921 (ii) establishes a deadline to cure the entity's failure to renew that is the first business
1922 day that is at least 30 calendar days after the day on which the lieutenant governor
1923 sends the notice of failure to renew; and

1924 (iii) states that failure to comply by the deadline the lieutenant governor establishes
1925 under Subsection (7)(b)(ii) will result in the lieutenant governor sending a notice
1926 of non-registration to the Office of the Utah State Auditor, in accordance with
1927 Subsection (9).

1928 (8) An entity's registration is valid:

1929 (a) if the entity makes a registration or renewal submission in accordance with the
1930 deadlines described in Subsection (3);

1931 (b) during the period the lieutenant governor establishes in the notice of noncompliance
1932 or notice of failure to renew during which the entity may cure the identified

- 1933 registration deficiencies; and
- 1934 (c) for one year beginning on the day the lieutenant governor issues the notice of
- 1935 registration or renewal.
- 1936 (9)(a) The lieutenant governor shall send a notice of non-registration to the Office of the
- 1937 Utah State Auditor if an entity fails to:
- 1938 (i) cure the entity's noncompliance by the deadline the lieutenant governor establishes
- 1939 in the notice of noncompliance;
- 1940 (ii) register by the deadline the lieutenant governor establishes in the notice of failure
- 1941 to register; or
- 1942 (iii) cure the entity's failure to renew by the deadline the lieutenant governor
- 1943 establishes in the notice of failure to renew.
- 1944 (b) The lieutenant governor shall ensure that the notice of non-registration:
- 1945 (i) includes a copy of the notice of noncompliance, the notice of failure to register, or
- 1946 the notice of failure to renew; and
- 1947 (ii) requests that the state auditor withhold state allocated funds or the disbursement
- 1948 of property taxes and prohibit the entity from accessing money held by the state or
- 1949 money held in an account of a financial institution, in accordance with
- 1950 Subsections 67-3-1(7)(i) and 67-3-1(10).
- 1951 (10) The lieutenant governor may extend a deadline under this section if an entity notifies
- 1952 the lieutenant governor, before the deadline to be extended, of the existence of an
- 1953 extenuating circumstance that is outside the control of the entity.
- 1954 (11)(a) An entity is not required to renew submission of a registration under this section
- 1955 if an entity provides a record of dissolution.
- 1956 (b) The lieutenant governor shall include in the registry an entity's record of dissolution
- 1957 and indicate on the registry that the entity is dissolved.
- 1958 Section 30. Section **67-3-1** is amended to read:
- 1959 **67-3-1 . Functions and duties.**
- 1960 (1)(a) The state auditor is the auditor of public accounts and is independent of any
- 1961 executive or administrative officers of the state.
- 1962 (b) The state auditor is not limited in the selection of personnel or in the determination
- 1963 of the reasonable and necessary expenses of the state auditor's office.
- 1964 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
- 1965 financial statements showing:
- 1966 (a) the condition of the state's finances;

- 1967 (b) the revenues received or accrued;
- 1968 (c) expenditures paid or accrued;
- 1969 (d) the amount of unexpended or unencumbered balances of the appropriations to the
- 1970 agencies, departments, divisions, commissions, and institutions; and
- 1971 (e) the cash balances of the funds in the custody of the state treasurer.
- 1972 (3)(a) The state auditor shall:
- 1973 (i) audit each permanent fund, each special fund, the General Fund, and the accounts
- 1974 of any department of state government or any independent agency or public
- 1975 corporation as the law requires, as the auditor determines is necessary, or upon
- 1976 request of the governor or the Legislature;
- 1977 (ii) perform the audits in accordance with generally accepted auditing standards and
- 1978 other auditing procedures as promulgated by recognized authoritative bodies; and
- 1979 (iii) as the auditor determines is necessary, conduct the audits to determine:
- 1980 (A) honesty and integrity in fiscal affairs;
- 1981 (B) accuracy and reliability of financial statements;
- 1982 (C) effectiveness and adequacy of financial controls; and
- 1983 (D) compliance with the law.
- 1984 (b) If any state entity receives federal funding, the state auditor shall ensure that the
- 1985 audit is performed in accordance with federal audit requirements.
- 1986 (c)(i) The costs of the federal compliance portion of the audit may be paid from an
- 1987 appropriation to the state auditor from the General Fund.
- 1988 (ii) If an appropriation is not provided, or if the federal government does not
- 1989 specifically provide for payment of audit costs, the costs of the federal compliance
- 1990 portions of the audit shall be allocated on the basis of the percentage that each
- 1991 state entity's federal funding bears to the total federal funds received by the state.
- 1992 (iii) The allocation shall be adjusted to reflect any reduced audit time required to
- 1993 audit funds passed through the state to local governments and to reflect any
- 1994 reduction in audit time obtained through the use of internal auditors working
- 1995 under the direction of the state auditor.
- 1996 (4)(a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
- 1997 financial audits, and as the auditor determines is necessary, conduct performance and
- 1998 special purpose audits, examinations, and reviews of any entity that receives public
- 1999 funds, including a determination of any or all of the following:
- 2000 (i) the honesty and integrity of all the entity's fiscal affairs;

- 2001 (ii) whether the entity's administrators have faithfully complied with legislative intent;
- 2002 (iii) whether the entity's operations have been conducted in an efficient, effective, and
- 2003 cost-efficient manner;
- 2004 (iv) whether the entity's programs have been effective in accomplishing the intended
- 2005 objectives; and
- 2006 (v) whether the entity's management, control, and information systems are adequate,
- 2007 effective, and secure.
- 2008 (b) The auditor may not conduct performance and special purpose audits, examinations,
- 2009 and reviews of any entity that receives public funds if the entity:
- 2010 (i) has an elected auditor; and
- 2011 (ii) has, within the entity's last budget year, had the entity's financial statements or
- 2012 performance formally reviewed by another outside auditor.
- 2013 (5) The state auditor:
- 2014 (a) shall administer any oath or affirmation necessary to the performance of the duties of
- 2015 the auditor's office; and
- 2016 (b) may:
- 2017 (i) subpoena witnesses and documents, whether electronic or otherwise; and
- 2018 (ii) examine into any matter that the auditor considers necessary.
- 2019 (6) The state auditor may require all persons who have had the disposition or management
- 2020 of any property of this state or its political subdivisions to submit statements regarding
- 2021 the property at the time and in the form that the auditor requires.
- 2022 (7) The state auditor shall:
- 2023 (a) except where otherwise provided by law, institute suits in Salt Lake County in
- 2024 relation to the assessment, collection, and payment of revenues against:
- 2025 (i) persons who by any means have become entrusted with public money or property
- 2026 and have failed to pay over or deliver the money or property; and
- 2027 (ii) all debtors of the state;
- 2028 (b) collect and pay into the state treasury all fees received by the state auditor;
- 2029 (c) perform the duties of a member of all boards of which the state auditor is a member
- 2030 by the constitution or laws of the state, and any other duties that are prescribed by the
- 2031 constitution and by law;
- 2032 (d) stop the payment of the salary of any state official or state employee who:
- 2033 (i) refuses to settle accounts or provide required statements about the custody and
- 2034 disposition of public funds or other state property;

- 2035 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
2036 board or department head with respect to the manner of keeping prescribed
2037 accounts or funds; or
- 2038 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
2039 official's or employee's attention;
- 2040 (e) establish accounting systems, methods, and forms for public accounts in all taxing or
2041 fee-assessing units of the state in the interest of uniformity, efficiency, and economy;
- 2042 (f) superintend the contractual auditing of all state accounts;
- 2043 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
2044 property taxes from a state or local taxing or fee-assessing unit, if necessary, to
2045 ensure that officials and employees in those taxing units comply with state laws and
2046 procedures in the budgeting, expenditures, and financial reporting of public funds;
- 2047 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
2048 if necessary, to ensure that officials and employees in the county comply with
2049 Section 59-2-303.1; and
- 2050 (i) withhold state allocated funds or the disbursement of property taxes from a local
2051 government entity or a limited purpose entity, as those terms are defined in Section
2052 67-1a-15 if the state auditor finds the withholding necessary to ensure that the entity
2053 registers and maintains the entity's registration with the lieutenant governor, in
2054 accordance with Section 67-1a-15.
- 2055 (8)(a) Except as otherwise provided by law, the state auditor may not withhold funds
2056 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received
2057 formal written notice of noncompliance from the auditor and has been given 60 days
2058 to make the specified corrections.
- 2059 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
2060 fee-assessing unit that exclusively assesses fees has not made corrections to comply
2061 with state laws and procedures in the budgeting, expenditures, and financial reporting
2062 of public funds, the state auditor:
- 2063 (i) shall provide a recommended timeline for corrective actions;
- 2064 (ii) may prohibit the state or local fee-assessing unit from accessing money held by
2065 the state; and
- 2066 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
2067 account of a financial institution by filing an action in a court with jurisdiction
2068 under Title 78A, Judiciary and Judicial Administration, requesting an order of the

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

- 2103 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
2104 Judicial Administration, requesting an order of the court to prohibit a financial
2105 institution from providing the entity access to an account.
- 2106 (c) The state auditor shall remove the prohibition on accessing funds described in
2107 Subsection (10)(b) if the state auditor received a notice of registration, as that term is
2108 defined in Section 67-1a-15, from the lieutenant governor.
- 2109 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the state
2110 auditor:
- 2111 (a) shall authorize a disbursement by a local government entity or limited purpose entity,
2112 as those terms are defined in Section 67-1a-15, or a state or local taxing or
2113 fee-assessing unit if the disbursement is necessary to:
- 2114 (i) avoid a major disruption in the operations of the local government entity, limited
2115 purpose entity, or state or local taxing or fee-assessing unit; or
2116 (ii) meet debt service obligations; and
- 2117 (b) may authorize a disbursement by a local government entity, limited purpose entity,
2118 or state or local taxing or fee-assessing unit as the state auditor determines is
2119 appropriate.
- 2120 (12)(a) The state auditor may seek relief under the Utah Rules of Civil Procedure to take
2121 temporary custody of public funds if an action is necessary to protect public funds
2122 from being improperly diverted from their intended public purpose.
- 2123 (b) If the state auditor seeks relief under Subsection (12)(a):
- 2124 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);
2125 and
- 2126 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if
2127 a court orders the public funds to be protected from improper diversion from their
2128 public purpose.
- 2129 (13) The state auditor shall:
- 2130 (a) establish audit guidelines and procedures for audits of local mental health and
2131 substance abuse authorities and their contract providers, conducted pursuant to Title
2132 17, Chapter 77, Local Health and Human Services, Title 26B, Chapter 5, Health Care
2133 - Substance Use and Mental Health, and Title 51, Chapter 2a, Accounting Reports
2134 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
2135 and
- 2136 (b) ensure that those guidelines and procedures provide assurances to the state that:

- 2137 (i) state and federal funds appropriated to local mental health authorities are used for
2138 mental health purposes;
- 2139 (ii) a private provider under an annual or otherwise ongoing contract to provide
2140 comprehensive mental health programs or services for a local mental health
2141 authority is in compliance with state and local contract requirements and state and
2142 federal law;
- 2143 (iii) state and federal funds appropriated to local substance abuse authorities are used
2144 for substance abuse programs and services; and
- 2145 (iv) a private provider under an annual or otherwise ongoing contract to provide
2146 comprehensive substance abuse programs or services for a local substance abuse
2147 authority is in compliance with state and local contract requirements, and state and
2148 federal law.
- 2149 (14)(a) The state auditor may, in accordance with the auditor's responsibilities for
2150 political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting
2151 Reports from Political Subdivisions, Interlocal Organizations, and Other Local
2152 Entities Act, initiate audits or investigations of any political subdivision that are
2153 necessary to determine honesty and integrity in fiscal affairs, accuracy and reliability
2154 of financial statements, effectiveness, and adequacy of financial controls and
2155 compliance with the law.
- 2156 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the
2157 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor
2158 may initiate an audit or investigation of the public entity subject to the notice to
2159 determine compliance with Section 11-41-103.
- 2160 (15)(a) The state auditor may not audit work that the state auditor performed before
2161 becoming state auditor.
- 2162 (b) If the state auditor has previously been a responsible official in state government
2163 whose work has not yet been audited, the Legislature shall:
- 2164 (i) designate how that work shall be audited; and
2165 (ii) provide additional funding for those audits, if necessary.
- 2166 (16) The state auditor shall:
- 2167 (a) with the assistance, advice, and recommendations of an advisory committee
2168 appointed by the state auditor from among special district boards of trustees, officers,
2169 and employees and special service district boards, officers, and employees:
- 2170 (i) prepare a Uniform Accounting Manual for Special Districts that:

- 2171 (A) prescribes a uniform system of accounting and uniform budgeting and
2172 reporting procedures for special districts under Title 17B, Limited Purpose
2173 Local Government Entities - Special Districts, and special service districts
2174 under Title 17D, Chapter 1, Special Service District Act;
- 2175 (B) conforms with generally accepted accounting principles; and
2176 (C) prescribes reasonable exceptions and modifications for smaller districts to the
2177 uniform system of accounting, budgeting, and reporting;
- 2178 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to
2179 reflect generally accepted accounting principles;
- 2180 (iii) conduct a continuing review and modification of procedures in order to improve
2181 them;
- 2182 (iv) prepare and supply each district with suitable budget and reporting forms; and
2183 (v)(A) prepare instructional materials, conduct training programs, and render other
2184 services considered necessary to assist special districts and special service
2185 districts in implementing the uniform accounting, budgeting, and reporting
2186 procedures; and
2187 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with
2188 Title 63G, Chapter 22, State Training and Certification Requirements; and
- 2189 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
2190 and experiences of specific special districts and special service districts selected by
2191 the state auditor and make the information available to all districts.
- 2192 (17)(a) The following records in the custody or control of the state auditor are protected
2193 records under Title 63G, Chapter 2, Government Records Access and Management
2194 Act:
- 2195 (i) records that would disclose information relating to allegations of personal
2196 misconduct, gross mismanagement, or illegal activity of a past or present
2197 governmental employee if the information or allegation cannot be corroborated by
2198 the state auditor through other documents or evidence, and the records relating to
2199 the allegation are not relied upon by the state auditor in preparing a final audit
2200 report;
- 2201 (ii) records and audit workpapers to the extent the workpapers would disclose the
2202 identity of an individual who during the course of an audit, communicated the
2203 existence of any waste of public funds, property, or manpower, or a violation or
2204 suspected violation of a law, rule, or regulation adopted under the laws of this

- 2205 state, a political subdivision of the state, or any recognized entity of the United
2206 States, if the information was disclosed on the condition that the identity of the
2207 individual be protected;
- 2208 (iii) before an audit is completed and the final audit report is released, records or
2209 drafts circulated to an individual who is not an employee or head of a
2210 governmental entity for the individual's response or information;
- 2211 (iv) records that would disclose an outline or part of any audit survey plans or audit
2212 program; and
- 2213 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 2214 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure
2215 of records or information that relate to a violation of the law by a governmental entity
2216 or employee to a government prosecutor or peace officer.
- 2217 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to
2218 the state auditor to classify a document as public, private, controlled, or protected
2219 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 2220 (d)(i) As used in this Subsection (17)(d), "record dispute" means a dispute between
2221 the state auditor and the subject of an audit performed by the state auditor as to
2222 whether the state auditor may release a record, as defined in Section 63G-2-103,
2223 to the public that the state auditor gained access to in the course of the state
2224 auditor's audit but which the subject of the audit claims is not subject to disclosure
2225 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 2226 (ii) The state auditor may submit a record dispute to the director of the Government
2227 Records Office, created in Section 63A-12-202, for a determination of whether the
2228 state auditor may, in conjunction with the state auditor's release of an audit report,
2229 release to the public the record that is the subject of the record dispute.
- 2230 (iii) The state auditor or the subject of the audit may seek judicial review of the
2231 director's determination, described in Subsection (17)(d)(ii), as provided in
2232 Section 63G-2-404.
- 2233 (18) If the state auditor conducts an audit of an entity that the state auditor has previously
2234 audited and finds that the entity has not implemented a recommendation made by the
2235 state auditor in a previous audit, the state auditor shall notify the Legislative
2236 Management Committee through the Legislative Management Committee's Audit
2237 Subcommittee that the entity has not implemented that recommendation.
- 2238 ~~[(19) The state auditor shall, with the advice and consent of the Senate, appoint the state~~

- 2239 ~~privacy auditor described in Section 67-3-13.]~~
- 2240 [(20)] (19) Except as provided in Subsection [(21)] (20), the state auditor shall report, or
2241 ensure that another government entity reports, on the financial, operational, and
2242 performance metrics for the state system of higher education and the state system of
2243 public education, including metrics in relation to students, programs, and schools within
2244 those systems.
- 2245 [(21)] (20)(a) Notwithstanding Subsection [(20)] (19), the state auditor shall conduct
2246 regular audits of:
- 2247 (i) the scholarship granting organization for the Carson Smith Opportunity
2248 Scholarship Program, created in Section 53E-7-402;
- 2249 (ii) the State Board of Education for the Carson Smith Scholarship Program, created
2250 in Section 53F-4-302; and
- 2251 (iii) the scholarship program manager for the Utah Fits All Scholarship Program,
2252 created in Section 53F-6-402, including an analysis of the cost effectiveness of the
2253 program, taking into consideration the amount of the scholarship and the amount
2254 of state and local funds dedicated on a per-student basis within the traditional
2255 public education system.
- 2256 (b) Nothing in this subsection limits or impairs the authority of the State Board of
2257 Education to administer the programs described in Subsection [(21)(a)] (20)(a).
- 2258 [(22)] (21) The state auditor shall, based on the information posted by the Office of
2259 Legislative Research and General Counsel under Subsection 36-12-12.1(2), for each
2260 policy, track and post the following information on the state auditor's website:
- 2261 (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);
2262 (b) an indication regarding whether the policy is timely adopted, adopted late, or not
2263 adopted;
- 2264 (c) an indication regarding whether the policy complies with the requirements
2265 established by law for the policy; and
- 2266 (d) a link to the policy.
- 2267 [(23)] (22)(a) A legislator may request that the state auditor conduct an inquiry to
2268 determine whether a government entity, government official, or government
2269 employee has complied with a legal obligation directly imposed, by statute, on the
2270 government entity, government official, or government employee.
- 2271 (b) The state auditor may, upon receiving a request under Subsection [(23)(a)] (22)(a),
2272 conduct the inquiry requested.

2273 (c) If the state auditor conducts the inquiry described in Subsection ~~[(23)(b)]~~ (22)(b), the
 2274 state auditor shall post the results of the inquiry on the state auditor's website.

2275 (d) The state auditor may limit the inquiry described in this Subsection ~~[(23)]~~ (22) to a
 2276 simple determination, without conducting an audit, regarding whether the obligation
 2277 was fulfilled.

2278 ~~[(24)]~~ (23) The state auditor shall:

2279 (a) ensure compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in
 2280 accordance with Section 63G-31-401; and

2281 (b) report to the Legislative Management Committee, upon request, regarding the state
 2282 auditor's actions under this Subsection ~~[(24)]~~ (23).

2283 ~~[(25)]~~ (24) The state auditor shall report compliance with Sections 67-27-107, 67-27-108,
 2284 and 67-27-109 by:

2285 (a) establishing a process to receive and audit each alleged violation; and

2286 (b) reporting to the Legislative Management Committee, upon request, regarding the
 2287 state auditor's findings and recommendations under this Subsection ~~[(25)]~~ (24).

2288 ~~[(26)]~~ (25) The state auditor shall ensure compliance with Section 63G-1-704 regarding the
 2289 display of flags in or on government property.

2290 ~~[(27)]~~ (26)(a) On or before January 31 each year, the state auditor shall prepare a report
 2291 that states, for each entity that holds public funds as defined in Section 51-7-3, the
 2292 entity's total balance, as of the last day of the immediately preceding fiscal year, of
 2293 cash, cash equivalents, and investments, as those terms are defined under the
 2294 standards established by the Governmental Accounting Standards Board.

2295 (b) The state auditor shall make the report described in Subsection ~~[(27)(a)-]~~ (26)(a)
 2296 publicly available on a website that the state auditor maintains.

2297 (27) The state auditor may audit the privacy practices of governmental entities.

2298 Section 31. Section **67-3-13** is amended to read:

2299 **67-3-13 . State auditor data privacy responsibilities.**

2300 (1) As used in this section:

2301 (a) "Governmental entity" means the same as that term is defined in Section 63G-2-103.

2302 (b) "Personal data" means the same as that term is defined in Section 63A-19-101.

2303 (c) "Privacy practice" means the same as that term is defined in Section 63A-19-101.

2304 (d) "State agency" means the same as that term is defined in Section 63A-19-101.

2305 ~~[(e) "State privacy auditor" means the individual appointed as state privacy auditor by
 2306 the state auditor under Section 67-3-1.]~~

- 2307 (2) The state [~~privacy~~]auditor shall:
- 2308 (a) compile information about the privacy practices of governmental entities;
- 2309 (b) make public and maintain information about the privacy practices of governmental
- 2310 entities on the state auditor's website;
- 2311 (c) provide governmental entities with guidance and training regarding the data privacy
- 2312 auditing standards developed by the state [~~privacy~~]auditor;
- 2313 (d) implement a process to analyze and respond to requests from individuals for the state [
- 2314 ~~privacy~~]auditor to audit a governmental entity's privacy practice;
- 2315 (e) identify annually which governmental entities' privacy practices pose the greatest
- 2316 risk to individual privacy and prioritize those privacy practices to be audited;
- 2317 (f) audit each year, in as timely a manner as possible, the privacy practices that the state [
- 2318 ~~privacy~~]auditor identifies under Subsection (2)(d) or (2)(e) as posing the greatest risk
- 2319 to individuals' privacy;
- 2320 (g) when auditing a governmental entity's privacy practice under Subsection (2)(f),
- 2321 analyze:
- 2322 (i) details about the technology or the policy and the technology's or the policy's
- 2323 application;
- 2324 (ii) information about the type of personal data being used;
- 2325 (iii) information about how the personal data is obtained, stored, shared, secured, and
- 2326 disposed;
- 2327 (iv) information about the governmental entity's sharing or selling of personal data;
- 2328 (v) information about whether an individual can or should be able to opt out of the
- 2329 retention, selling, and sharing of the individual's personal data;
- 2330 (vi) information about how the governmental entity de-identifies or anonymizes
- 2331 personal data;
- 2332 (vii) a determination about the existence of alternative technology or improved
- 2333 practices to protect privacy; and
- 2334 (viii) a finding of whether the governmental entity's current privacy practices
- 2335 adequately protect individual privacy; and
- 2336 (h) after completing an audit described in Subsections (2)(f) and (g), determine:
- 2337 (i) each governmental entity's use of personal data, including the governmental
- 2338 entity's privacy practices regarding personal data:
- 2339 (A) acquisition;
- 2340 (B) storage;

- 2341 (C) disposal;
- 2342 (D) protection; and
- 2343 (E) sharing;
- 2344 (ii) the adequacy of the governmental entity's practices in each of the areas described
- 2345 in Subsection (2)(h)(i); and
- 2346 (iii) for each of the areas described in Subsection (2)(h)(i) that the state [privacy-]
- 2347 auditor determines to require reform, provide recommendations for reform to the
- 2348 governmental entity and the legislative body charged with regulating the
- 2349 governmental entity.
- 2350 (3)(a) The legislative body charged with regulating a governmental entity that receives a
- 2351 recommendation described in Subsection (2)(h)(iii) shall hold a public hearing on the
- 2352 proposed reforms:
- 2353 (i) with a quorum of the legislative body present; and
- 2354 (ii) within 90 days after the day on which the legislative body receives the
- 2355 recommendation.
- 2356 (b)(i) The legislative body shall provide notice of the hearing described in Subsection
- 2357 (3)(a).
- 2358 (ii) Notice of the public hearing and the recommendations to be discussed shall be
- 2359 posted for the jurisdiction of the governmental entity, as a class A notice under
- 2360 Section 63G-30-102, for at least 30 days before the day on which the legislative
- 2361 body will hold the public hearing.
- 2362 (iii) Each notice required under Subsection (3)(b)(i) shall:
- 2363 (A) identify the recommendations to be discussed; and
- 2364 (B) state the date, time, and location of the public hearing.
- 2365 (c) During the hearing described in Subsection (3)(a), the legislative body shall:
- 2366 (i) provide the public the opportunity to ask questions and obtain further information
- 2367 about the recommendations; and
- 2368 (ii) provide any interested person an opportunity to address the legislative body with
- 2369 concerns about the recommendations.
- 2370 (d) At the conclusion of the hearing, the legislative body shall determine whether the
- 2371 legislative body shall adopt reforms to address the recommendations and any
- 2372 concerns raised during the public hearing.
- 2373 (4) Subsection (3) does not apply to:
- 2374 (a) a state agency;

- 2375 (b) the legislative branch;
- 2376 (c) the judicial branch;
- 2377 (d) an executive branch agency within the Office of the Attorney General, the state
- 2378 auditor, the state treasurer, or the State Board of Education; or
- 2379 (e) an independent entity.
- 2380 (5) The state [privacy-]auditor shall:
- 2381 (a) quarterly report, to the Utah Privacy Commission:
- 2382 (i) recommendations for privacy practices for the commission to review; and
- 2383 (ii) the information provided in Subsection (2)(h); and
- 2384 (b) annually, on or before October 1, report to the Judiciary Interim Committee:
- 2385 (i) the results of any audits described in Subsection (2)(f), if any audits have been
- 2386 completed;
- 2387 (ii) reforms, to the extent that the state [privacy-]auditor is aware of any reforms, that
- 2388 the governmental entity made in response to any audits described in Subsection
- 2389 (2)(f);
- 2390 (iii) the information described in Subsection (2)(h); and
- 2391 (iv) recommendations for legislation based on any results of an audit described in
- 2392 Subsection (2)(f).

2393 **Section 32. Effective Date.**

2394 This bill takes effect on May 6, 2026.