

Kirk A. Cullimore 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-11-1002**, as last amended by Laws of Utah 2010, Chapter 389

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-11-1002** is amended to read:

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

78 (1) The chief election officer shall:

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

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

82 (ii) available for viewing on the Internet in accordance with Section 20A-11-103;

83 (b) preserve those statements for at least five years; and

84 (c) provide certified copies of the financial statements in the same manner as for other
 85 public records.

86 (2) Any candidate or voter may file a written complaint with the chief election officer
 87 alleging that a filed financial statement does not conform to law or to the truth.

88 (3)(a) As used in this Subsection (3), "required report" means a report, a financial
 89 statement, or any other type of statement or disclosure that a person is required to
 90 make under this chapter or Chapter 12, Part 2, Judicial Retention Elections.

91 (b) Before posting or otherwise publicly disclosing a required report, the lieutenant
 92 governor shall redact from the report the following information relating to each
 93 individual referenced in the report:

94 (i) the phone number of the individual; and

95 (ii) the street number and street name in the address of the individual.

96 (c) The information required to be redacted under Subsection (3)(b) is not a record under

97 Title 63G, Chapter 2, Government Records Access and Management Act.

98 (d) It is unlawful to publicly disclose the information required to be redacted under
99 Subsection (3)(b).

100 (e) A government officer or employee who knowingly violates Subsection (3)(d) is
101 guilty of a class B misdemeanor.

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

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

104 As used in this chapter:

105 (1) "Access software provider" means a provider of software, including client or server
106 software, or enabling tools that do any one or more of the following:

107 (a) filter, screen, allow, or disallow content;

108 (b) pick, choose, analyze, or digest content; or

109 (c) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or
110 translate content.

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

112 (3) "Dispatcher" means the same as that term is defined in Section 53-6-102.

113 (4) "Immediate family member" means a public safety employee's spouse, child, parent, or
114 grandparent who resides with the public safety employee.

115 (5) "Interactive computer service" means the same as that term is defined in Subsection 47
116 U.S.C. 230(f).

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

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

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

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

123 (7)(a) "Personal information" means a public safety employee's or a public safety
124 employee's immediate family member's home address, home telephone number,
125 personal mobile telephone number, personal pager number, personal email address,
126 or personal photograph, directions to locate the public safety employee's home, or
127 photographs of the public safety employee's or the public safety employee's
128 immediate family member's home or vehicle.

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

130 (i) a public safety employee who qualifies as an at-risk government employee under

131 Section [~~63G-2-303~~] 63A-19-408 requests to be classified as private under
 132 Subsection 63G-2-302(1)(h); and
 133 (ii) is classified as private under Title 63G, Chapter 2, Government Records Access
 134 and Management Act.

135 (8) "Public safety employee" means:

136 (a) a law enforcement officer;

137 (b) a dispatcher; or

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

139 (i) a law enforcement agency; or

140 (ii) a correctional facility.

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

143 Section 3. Section **53H-14-501** is amended to read:

144 **53H-14-501 . General provisions -- Definitions.**

145 As used in this part:

146 (1) "Advisory group" means the institution of higher education privacy advisory group
 147 established by the [~~state privacy auditor~~] chief privacy officer under Section 53H-14-502.

148 (2) "Aggregate data" means data that:

149 (a) are totaled and reported at the group, cohort, class, course, institution, region, or state
 150 level, with at least 10 individuals in the level; and

151 (b) do not reveal personally identifiable student data.

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

153 [~~(3)~~] (4) "Data breach" means an unauthorized release of or unauthorized access to
 154 personally identifiable student data that an education entity maintains.

155 [~~(4)~~] (5) "Data governance plan" means an education entity's comprehensive plan for
 156 managing education data that:

157 (a) incorporates reasonable data industry best practices to maintain and protect student
 158 data and other education-related data;

159 (b) describes the role, responsibility, and authority of the board or an institution privacy
 160 officer;

161 (c) provides for necessary technical assistance, training, support, and auditing;

162 (d) describes the process for sharing student data between the education entity and
 163 another person;

164 (e) describes the education entity's data expungement process, including how to respond

- 165 to requests for expungement;
- 166 (f) describes the data breach response process; and
- 167 (g) is published annually and available on the institution's website or the Utah System of
168 Higher Education's website.
- 169 [~~(5)~~] (6) "Education entity" means the Utah Board of Higher Education or an institution.
- 170 [~~(6)~~] (7) "Higher education privacy officer" means a privacy officer that the board
171 designates under Section 53H-14-503.
- 172 [~~(7)~~] (8) "Minor" means a person younger than 18 years old.
- 173 [~~(8)~~] (9)(a) "Personally identifiable student data" means student data that identifies or is
174 used by the holder to identify a student.
- 175 (b) "Personally identifiable student data" includes:
- 176 (i) a student's first and last name;
- 177 (ii) the first and last name of a student's family member;
- 178 (iii) a student's or a student's family's home or physical address;
- 179 (iv) a student's email address or other online contact information;
- 180 (v) a student's telephone number;
- 181 (vi) a student's social security number;
- 182 (vii) a student's biometric identifier;
- 183 (viii) a student's health or disability data;
- 184 (ix) a student's education entity student identification number;
- 185 (x) a student's social media user name and password or alias;
- 186 (xi) if associated with personally identifiable student data, the student's persistent
187 identifier, including:
- 188 (A) a customer number held in a cookie; or
- 189 (B) a processor serial number;
- 190 (xii) a combination of a student's last name or photograph with other information that
191 together permits a person to contact the student online;
- 192 (xiii) information about a student or a student's family that a person collects online
193 and combines with other personally identifiable student data to identify the
194 student; and
- 195 (xiv) information that, alone or in combination, is linked or linkable to a specific
196 student that would allow a reasonable person in the school community, who does
197 not have personal knowledge of the relevant circumstances, to identify the student
198 with reasonable certainty.

- 199 [~~(9) "State privacy auditor" means the state privacy auditor described in Section 67-3-13.]~~
- 200 (10) "Student" means an individual enrolled in an institution.
- 201 (11)(a) "Student data" means information about a student at the individual student level.
- 202 (b) "Student data" does not include aggregate or de-identified data.
- 203 (12) "Third-party contractor" means a person who:
- 204 (a) is not an institution or an employee of an institution; and
- 205 (b) pursuant to a contract with an education entity, collects or receives student data in
- 206 order to provide a product or service, as described in the contract, if the product or
- 207 service is not related to school photography, yearbooks, graduation announcements,
- 208 or a similar product or service.
- 209 Section 4. Section **53H-14-502** is amended to read:
- 210 **53H-14-502 . State student data protection governance.**
- 211 (1) The [~~state privacy auditor~~] chief privacy officer shall establish a higher education
- 212 privacy advisory group to advise institutions and institution boards of trustees on student
- 213 data protection.
- 214 (2) The advisory group shall consist of:
- 215 (a) the [~~state privacy auditor~~] chief privacy officer;
- 216 (b) the higher education privacy officer; and
- 217 (c) the following members, appointed by the commissioner:
- 218 (i) at least one Utah System of Higher Education employee; and
- 219 (ii) at least one representative of the Utah Board of Higher Education.
- 220 (3) The advisory group shall:
- 221 (a) discuss and make recommendations to the board and institutions regarding:
- 222 (i) existing and proposed:
- 223 (A) board rules; or
- 224 (B) board policies of the Utah Board of Higher Education or institutions; and
- 225 (ii) training on protecting student data privacy; and
- 226 (b) perform other tasks related to student data protection as designated by the Utah
- 227 Board of Higher Education.
- 228 (4) The higher education privacy officer shall:
- 229 (a) provide training and support to institution boards and employees; and
- 230 (b) produce:
- 231 (i) resource materials;
- 232 (ii) model data governance plans;

- 233 (iii) model forms for institution student data protection governance; and
 234 (iv) a model data collection notice.

235 (5) The board shall:

- 236 (a)(i) create and maintain a data governance plan; and
 237 (ii) annually publish the data governance plan on the Utah System of Higher
 238 Education website; and
 239 (b) establish standards for:
 240 (i) institution policies to protect student data;
 241 (ii) institution data governance plans; and
 242 (iii) a third-party contractor's use of student data.

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

244 **63A-16-108 . Digital verifiable credential and records.**

245 (1) As used in this section:

- 246 (a) "Blockchain" means a distributed ledger of ordered electronic records that:
 247 (i) is distributed across a network of computers;
 248 (ii) utilizes technology to prevent the unauthorized alteration of electronic records;
 249 and
 250 (iii) is mathematically verified.
 251 (b) "Chief privacy officer" means the individual appointed under Section 63A-19-302.
 252 [~~(b)~~] (c) "Digital record schema" means a description of the data fields and
 253 tamper-evident technologies required to create a digital verifiable credential or digital
 254 verifiable record that can be registered on a distributed ledger technology.
 255 [~~(c)~~] (d) "Digital signature" means a tamper-evident, immutable, electronic seal that is
 256 equivalent in function and status to a notary seal issued by a government entity.
 257 [~~(d)~~] (e) "Digital verifiable credential" means a digital document that:
 258 (i) attests to a fact;
 259 (ii) is issued by a government entity;
 260 (iii) can be mathematically verified; and
 261 (iv) conveys rights, privileges, and legal enforceability equivalent to the possession
 262 of a physical credential of the same type.
 263 [~~(e)~~] (f) "Digital verifiable record" means a digital record that:
 264 (i) is issued by a government entity or has been digitally signed by a government
 265 entity;
 266 (ii) has a digital signature;

- 267 (iii) can be mathematically verified; and
- 268 (iv) conveys rights, privileges, and legal enforceability equivalent to the possession
- 269 of a physical record of the same type.
- 270 ~~[(f)]~~ (g) "Distributed ledger" means a decentralized database that is maintained by the
- 271 consensus of replicated, shared, and synchronized digital data.
- 272 ~~[(g)]~~ (h) "Government entity" means:
- 273 (i) the state;
- 274 (ii) a state agency; or
- 275 (iii) a political subdivision of the state.
- 276 ~~[(h)]~~ "Government operations privacy officer" means the government operations privacy
- 277 officer described in Section 67-1-17.]
- 278 (i) "State archivist" means the state archivist appointed under Section 63A-12-102.
- 279 ~~[(j)]~~ "State privacy officer" means the state privacy officer described in Section 67-3-13.]
- 280 ~~[(k)]~~ (j) "State registrar" means the state registrar of vital records appointed under
- 281 Section 26B-8-102.
- 282 (2) The Division of Technology Services shall:
- 283 (a) provide recommendations to government entities regarding:
- 284 (i) appropriate digital record schemas that allow a government to issue a digital
- 285 verifiable credential or record;
- 286 (ii) policies and procedures to protect the privacy of personal identifying information
- 287 maintained within distributed ledger programs;
- 288 (iii) the manner and format in which an issuer may certify a document through
- 289 blockchain; and
- 290 (iv) processes and procedures for the preservation, auditability, integrity, security,
- 291 and confidentiality of digital verifiable credentials and records;
- 292 (b) create a pilot program for the implementation of digital verifiable credentials by
- 293 governmental entities; and
- 294 (c) report to Public Utilities, Energy, and Technology Interim Committee by October 31,
- 295 2023, on the duties described in Subsections (2)(a) and (b).
- 296 (3) In performing the duties described in Subsections (2)(a) and (b), the Division of
- 297 Technology Services shall consult with:
- 298 (a) the state archivist;
- 299 (b) the chief privacy officer;
- 300 ~~[(b)]~~ the state privacy officer;]

301 ~~[(e) the government operations privacy officer;]~~
302 ~~[(d)]~~ (c) the state registrar;
303 ~~[(e)]~~ (d) private industry professionals with relevant expertise;
304 ~~[(f)]~~ (e) the Utah League of Cities and Towns; and
305 ~~[(g)]~~ (f) an association of counties in the state.

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

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

308 As used in this chapter:

- 309 (1) "Anonymized data" means information that has been irreversibly modified so that there
310 is no possibility of using the information, alone or in combination with other
311 information, to identify an individual.
- 312 (2) "At-risk government employee" means the same as that term is defined in Section [
313 ~~63G-2-303]~~ 63A-19-408.
- 314 (3) "Automated decision making" means using personal data to make a decision about an
315 individual through automated processing, without human review or intervention.
- 316 (4) "Biometric data" means the same as that term is defined in Section 13-61-101.
- 317 (5)(a) "Chief administrative officer" means the same as that term is defined in Section
318 63A-12-100.5.
- 319 (b) "Chief administrative officer" for a municipality may be, in the municipality's
320 discretion, a separate and distinct role from the chief administrative officer role
321 described in Section 11-50-202.
- 322 (6) "Chief privacy officer" means the individual appointed under Section 63A-19-302.
- 323 (7) "Commission" means the Utah Privacy Commission established in Section 63A-19-203.
- 324 (8) "Contract" means an agreement between a governmental entity and a person for goods
325 or services that involve personal data.
- 326 (9)(a) "Contractor" means a person who:
327 (i) has entered into a contract with a governmental entity; and
328 (ii) may process personal data under the contract.
- 329 (b) "Contractor" includes a contractor's employees, agents, or subcontractors.
- 330 (10) "Cyber Center" means the Utah Cyber Center created in Section 63A-16-1102.
- 331 (11) "Data breach" means the unauthorized access, acquisition, disclosure, loss of access, or
332 destruction of personal data held by a governmental entity, unless the governmental
333 entity concludes, according to standards established by the Cyber Center, that there is a
334 low probability that personal data has been compromised.

- 335 (12) "Data privacy complaint" means a complaint or concern raised by an individual
336 regarding:
- 337 (a) an alleged infringement on the individual's data privacy interests described in
338 Subsection 63A-19-102(1); or
- 339 (b) a governmental entity's data privacy practices described in Part 4, Duties of
340 Governmental Entities.
- 341 (13) "De-identified data" means information from which personal data has been removed or
342 obscured so that the information is not readily identifiable to a specific individual, and
343 which may not be re-identified.
- 344 [(13)] (14) "Genetic data" means the same as that term is defined in Section 13-60-102.
- 345 [(14)] (15) "Governing board" means the Utah Privacy Governing Board established in
346 Section 63A-19-201.
- 347 [(15)] (16) "Governmental entity" means the same as that term is defined in Section
348 63G-2-103.
- 349 [(16)] (17) "Government website" means a set of related web pages that is operated by or on
350 behalf of a governmental entity and is:
- 351 (a) located under a single domain name or web address; and
- 352 (b) accessible directly through the [~~Internet~~] internet or by the use of a software program.
- 353 [(17)] (18)(a) "High-risk processing activities" means a governmental entity's processing
354 of personal data that may have a significant impact on an individual's privacy
355 interests, based on factors that include:
- 356 (i) the sensitivity of the personal data processed;
- 357 (ii) the amount of personal data being processed;
- 358 (iii) the individual's ability to consent to the processing of personal data; and
- 359 (iv) risks of unauthorized access or use.
- 360 (b) "High-risk processing activities" may include the use of:
- 361 (i) facial recognition technology;
- 362 (ii) automated decision making;
- 363 (iii) profiling;
- 364 (iv) genetic data of a living person;
- 365 (v) biometric data; or
- 366 (vi) specific geolocation data.
- 367 [(18)] (19) "Independent entity" means the same as that term is defined in Section 63E-1-102.
- 368 [(19)] (20) "Individual" means the same as that term is defined in Section 63G-2-103.

- 369 [(20)] (21) "Legal guardian" means:
- 370 (a) the parent of a minor; or
- 371 (b) an individual appointed by a court to be the guardian of a minor or incapacitated
- 372 individual and given legal authority to make decisions regarding the person or
- 373 property of the minor or incapacitated individual.
- 374 [(21)] (22) "Office" means the Utah Office of Data Privacy created in Section 63A-19-301.
- 375 [(22)] (23) "Ombudsperson" means the data privacy ombudsperson appointed under Section
- 376 63A-19-501.
- 377 [(23)] (24) "Person" means the same as that term is defined in Section 63G-2-103.
- 378 [(24)] (25) "Personal data" means information that is linked or can be reasonably linked to
- 379 an identified individual or an identifiable individual.
- 380 [(25)] (26) "Privacy annotation" means a summary of personal data contained in a record
- 381 series as described in Section 63A-19-401.1.
- 382 [(26)] (27) "Privacy practice" means a governmental entity's:
- 383 (a) organizational, technical, administrative, and physical safeguards designed to protect
- 384 an individual's personal data;
- 385 (b) policies and procedures related to the acquisition, use, storage, sharing, retention,
- 386 and disposal of personal data; and
- 387 (c) practice of providing notice to an individual regarding the individual's privacy rights.
- 388 [(27)] (28) "Process," "processing," or "processing activity" means any operation or set of
- 389 operations performed on personal data, including collection, recording, organization,
- 390 structuring, storage, adaptation, alteration, access, retrieval, consultation, use, disclosure
- 391 by transmission, transfer, dissemination, alignment, combination, restriction, erasure, or
- 392 destruction.
- 393 [(28)] (29) "Profiling" ~~[means the processing of personal data to evaluate or predict an~~
- 394 ~~individual's:]~~ means any form of automated processing performed on personal data to
- 395 evaluate, analyze, or predict an identified or identifiable individual's economic situation,
- 396 health, personal preferences, interests, reliability, behavior, location, or movements.
- 397 [(a) economic situation;]
- 398 [(b) health;]
- 399 [(c) personal preferences;]
- 400 [(d) interests;]
- 401 [(e) reliability;]
- 402 [(f) behavior;]

403 ~~[(g) location; or]~~

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

405 ~~[(29)]~~ (30)(a) "Purchase" or "purchasing" means the exchange of monetary consideration
406 to obtain the personal data of an individual who is not a party to the transaction.

407 (b) "Purchase" or "purchasing" does not include payment from one governmental entity
408 to another governmental entity for access to a record in accordance with Section
409 63G-2-203.

410 ~~[(30)]~~ (31) "Record" means the same as that term is defined in Section 63G-2-103.

411 ~~[(31)]~~ (32) "Record series" means the same as that term is defined in Section 63G-2-103.

412 ~~[(32)]~~ (33) "Retention schedule" means a governmental entity's schedule for the retention or
413 disposal of records that has been approved by the Records Management Committee
414 pursuant to Section 63A-12-113.

415 ~~[(33)]~~ (34)(a) "Sell" means ~~[an exchange]~~ the transfer of personal data in exchange for
416 monetary consideration by a governmental entity to a third party.

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

418 (i) charged by a governmental entity for access to a record pursuant to Section
419 63G-2-203; or

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

421 (35) "Specific geolocation data" means the same as that term is defined in Section
422 13-61-101.

423 ~~[(34)]~~ (36)(a) "State agency" means the following entities that are under the direct
424 supervision and control of the governor or the lieutenant governor:

425 (i) a department;

426 (ii) a commission;

427 (iii) a board;

428 (iv) a council;

429 (v) an institution;

430 (vi) an officer;

431 (vii) a corporation;

432 (viii) a fund;

433 (ix) a division;

434 (x) an office;

435 (xi) a committee;

436 (xii) an authority;

- 437 (xiii) a laboratory;
 438 (xiv) a library;
 439 (xv) a bureau;
 440 (xvi) a panel;
 441 (xvii) another administrative unit of the state; or
 442 (xviii) an agent of an entity described in Subsections [~~(34)(a)(i)-~~] (36)(a)(i) through
 443 (xvii).

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

- 445 (i) the legislative branch;
 446 (ii) the judicial branch;
 447 (iii) an executive branch agency within the Office of the Attorney General, the state
 448 auditor, the state treasurer, or the State Board of Education; or
 449 (iv) an independent entity.

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

451 [~~(36)~~] (37) "Synthetic data" means artificial data that:

- 452 (a) is generated from personal data; and
 453 (b) models the statistical properties of the original personal data.

454 [~~(37)~~] (38) "User" means an individual who accesses a government website.

455 [~~(38)~~] (39)(a) "User data" means any information about a user that is automatically
 456 collected by a government website when a user accesses the government website.

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

- 458 (i) a user as having requested or obtained specific materials or services from a
 459 government website;
 460 (ii) [~~Internet~~] internet sites visited by a user;
 461 (iii) the contents of a user's data-storage device;
 462 (iv) any identifying code linked to a user of a government website; and
 463 (v) a user's:
 464 (A) IP or Mac address; or
 465 (B) session ID.

466 [~~(39)~~] (40) "Website tracking technology" means any tool used by a government website to:

- 467 (a) monitor a user's behavior; or
 468 (b) collect user data.

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

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

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

- 472 (1) The governing board shall:
- 473 (a) recommend changes to the state data privacy policy;
- 474 ~~[(b) by July 1 of each year, approve the data privacy agenda items for the commission~~
- 475 ~~and make recommendations for additional items for the data privacy agenda;]~~
- 476 ~~[(e)]~~ (b) hear issues raised by the ombudsperson regarding existing governmental entity
- 477 privacy practices;
- 478 ~~[(d)]~~ (c) evaluate and recommend the appropriate:
- 479 (i) structure and placement for the office within state government; and
- 480 (ii) authority to be granted to the office, including any authority to make rules; and
- 481 ~~[(e)]~~ (d) recommend funding mechanisms and strategies for governmental entities to
- 482 enable compliance with data privacy responsibilities, including:
- 483 (i) appropriations;
- 484 (ii) rates;
- 485 (iii) grants; and
- 486 (iv) internal service funds.
- 487 (2) In fulfilling the duties under this part, the governing board may receive and request
- 488 input from:
- 489 (a) governmental entities;
- 490 (b) elected officials;
- 491 (c) subject matter experts; and
- 492 (d) other stakeholders.

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

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

- 495 (1) There is created the Utah Privacy Commission.
- 496 (2)(a) The commission shall be composed of ~~[12]~~ no more than 14 members.
- 497 (b) The governor shall appoint:
- 498 (i) one member who, at the time of appointment provides internet technology services
- 499 for a county;
- 500 (ii) one member with experience in cybersecurity;
- 501 (iii) one member representing private industry in technology;
- 502 (iv) one member representing law enforcement;~~[-and]~~
- 503 (v) one member with experience in data privacy law.; and
- 504 (vi) one member who is a private citizen representing the public.

- 505 (c) The State Board of Education shall appoint one member representing public
506 education entities and the privacy interests of students.
- 507 ~~(e)~~ (d) The state auditor shall appoint:
- 508 (i) one member with experience in internet technology services;
- 509 (ii) one member with experience in cybersecurity;
- 510 (iii) one member representing private industry in technology;
- 511 (iv) one member with experience in data privacy law; and
- 512 (v) one member representing municipalities~~[who, at the time of appointment, has~~
513 ~~expertise in civil liberties law, the ethical use of data, or the impacts of the use of~~
514 ~~a technology on different populations.] .~~
- 515 ~~(d)~~ (e) The attorney general shall appoint:
- 516 (i) one member with experience as a prosecutor or appellate attorney and with
517 experience in data privacy or civil liberties law; and
- 518 (ii) one member representing law enforcement.
- 519 (3)(a) Except as provided in Subsection (3)(b), a member is appointed for a term of four
520 years.
- 521 (b) The initial appointments of members described in Subsections ~~[(2)(b)(i) through~~
522 ~~(b)(iii), (2)(c)(iv) through (c)(v), and (2)(d)(ii)] (2)(b)(i) through (iii), (2)(d)(iv) and~~
523 ~~(v), and (2)(e)(ii)~~ shall be for two-year terms.
- 524 (c) When the term of a current member expires, a member shall be reappointed or a new
525 member shall be appointed in accordance with Subsection (2).
- 526 (4)(a) When a vacancy occurs in the membership for any reason, a replacement shall be
527 appointed in accordance with Subsection (2) for the unexpired term.
- 528 (b) A member whose term has expired may continue to serve until a replacement is
529 appointed.
- 530 (5) The commission shall select officers from the commission's members as the
531 commission finds necessary.
- 532 (6)(a) A majority of the members of the commission is a quorum.
- 533 (b) The action of a majority of a quorum constitutes an action of the commission.
- 534 (7) A member may not receive compensation or benefits for the member's service but may
535 receive per diem and travel expenses incurred as a member of the commission at the
536 rates established by the Division of Finance under:
- 537 (a) Sections 63A-3-106 and 63A-3-107; and
- 538 (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and

539 63A-3-107.

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

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

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

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

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

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

547 Administrative Rulemaking Act, make rules establishing participation requirements
548 for commission members.

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

552 Section 9. Section **63A-19-204** is amended to read:

553 **63A-19-204 . Commission duties.**

554 (1) The commission shall:

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

557 (i) governmental entity privacy practices to be reviewed by the commission;

558 (ii) educational and training materials that the commission intends to develop;

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

560 (iv) best practices and guiding principles that the commission plans to develop
561 related to government privacy practices;

562 (b) develop guiding standards and best practices with respect to government privacy
563 practices;

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

565 (i) the privacy implications and civil liberties concerns of the privacy practices of
566 government entities;

567 (ii) best practices for government collection and retention policies regarding personal
568 data; and

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

570 (d) review the privacy implications and civil liberties concerns of government privacy
571 practices~~[-and]~~ .

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

- 573 (2) The commission may, in addition to the approved items in the data privacy agenda
 574 prepared under Subsection (1)(a):
- 575 (a) review specific government privacy practices as referred to the commission by the
 576 chief privacy officer described in Section 63A-19-302 or the state [~~privacy~~] auditor [
 577 ~~described in Section 67-3-13~~];
- 578 (b) review a privacy practice not accounted for in the data privacy agenda only upon
 579 referral by the chief privacy officer or the state [~~privacy~~] auditor in accordance with
 580 this section;
- 581 (c) review and provide recommendations regarding consent mechanisms used by
 582 governmental entities to collect personal [~~information~~] data;
- 583 (d) develop and provide recommendations to the Legislature on how to balance
 584 transparency and public access of public records against an individual's reasonable
 585 expectations of privacy and data protection; [~~and~~]
- 586 (e) develop recommendations for legislation regarding the guiding standards and best
 587 practices the commission has developed in accordance with Subsection (1)(a) [~~;~~] ;
- 588 (f) consult with relevant public and private entities in the performance of the
 589 commission's duties listed in Subsection (1); and
- 590 (g) study and recommend which information contained in the privacy program report
 591 described in Section 63A-19-401.3 should be a public record.
- 592 (3) At least annually, on or before October 1, the commission shall report to the [~~Judiciary~~]
 593 Government Operations Interim Committee:
- 594 (a) the results of any reviews the commission has conducted;
- 595 (b) the guiding standards and best practices described in Subsection (1)(b); and
- 596 (c) any recommendations for legislation the commission has developed in accordance
 597 with Subsection [~~(2)(e)~~] (2)(d).
- 598 (4)(a) Upon request by the governing board, a member of the commission shall give an
 599 update on the work of the commission at any governing board meeting.
- 600 (b) The governing board may at any time instruct the commission to review and report
 601 upon any privacy developments related to governmental privacy within the scope of
 602 the commission's duties.
- 603 [(4) At least annually, on or before June 1, the commission shall report to the governing
 604 board regarding:]
- 605 [(a) governmental entity privacy practices the commission plans to review in the next
 606 year;]

607 ~~[(b) any educational and training programs the commission intends to develop in relation~~
608 ~~to government data privacy best practices;]~~
609 ~~[(e) results of the commission's data privacy practice reviews from the previous year; and]~~
610 ~~[(d) recommendations from the commission related to data privacy legislation,~~
611 ~~standards, or best practices.]~~

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

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

615 **63A-19-301 . Utah Office of Data Privacy.**

- 616 (1) There is created within the department the Utah Office of Data Privacy.
- 617 (2) The office shall coordinate with the governing board and the commission to perform the
618 duties in this section.
- 619 (3) The office shall:
- 620 (a) create and maintain a data privacy framework designed to:
- 621 (i) assist governmental entities to identify and implement effective and efficient data
622 privacy practices, tools, and systems that:
- 623 (A) protect the privacy of personal data;
- 624 (B) comply with data privacy laws and regulations specific to the governmental
625 entity, program, or data;
- 626 (C) empower individuals to protect and control their personal data; and
- 627 (D) enable information use and sharing among governmental entities, as allowed
628 by law; and
- 629 (ii) account for differences in a governmental entity's resources, capabilities,
630 populations served, data types, and maturity level regarding data privacy practices;
- 631 (b) review statutory provisions related to governmental data privacy and records
632 management to:
- 633 (i) identify conflicts and gaps in data privacy law; and
- 634 (ii) standardize language;
- 635 (c) work with governmental entities to study, research, and identify:
- 636 (i) additional data privacy practices that are feasible for governmental entities;
- 637 (ii) potential remedies and accountability mechanisms for non-compliance of a
638 governmental entity;
- 639 (iii) ways to expand an individual's control over the individual's personal data
640 processed by a governmental entity;

- 641 (iv) resources needed to develop, implement, and improve data privacy programs; and
642 (v) best practices regarding:
- 643 (A) automated decision making;
644 (B) the creation and use of synthetic, de-identified, or anonymized data; and
645 (C) the use of website tracking technology;
- 646 (d) monitor high-risk data processing activities within governmental entities;
647 (e) coordinate with the Cyber Center to develop an incident response plan for data
648 breaches affecting governmental entities;
649 (f) coordinate with the state archivist to:
- 650 (i) incorporate data privacy practices into records management; and
651 (ii) include data privacy content in the trainings described in Section 63A-12-110; and
652 (g) develop, maintain, and make available data privacy training, education, and
653 awareness materials that meet the requirements of Section 63A-19-401.2.
654 ~~[(g) create a data privacy training program for employees of governmental entities as~~
655 ~~described in Section 63A-19-401.3.]~~
- 656 (4) The office may:
- 657 (a) provide expertise and assistance to governmental entities for high-risk data
658 processing activities;
- 659 (b) create assessment tools and resources that a governmental entity may use to:
- 660 (i) review, evaluate, and mature the governmental entity's privacy program, practices,
661 and processing activities; and
662 (ii) evaluate the privacy impact, privacy risk, and privacy compliance of the
663 governmental entity's privacy program, practices, and processing activities;
- 664 (c) charge a governmental entity a service fee, established in accordance with Section
665 63J-1-504, for providing services that enable a governmental entity to perform the
666 governmental entity's duties under Section 63A-19-401, if the governmental entity
667 requests the office provide those services;
- 668 (d) bill a state agency, as provided in Section 63J-1-410, for any services the office
669 provides to a state agency;
- 670 (e) provide funding to assist a governmental entity in complying with:
- 671 (i) this chapter; and
672 (ii) Title 63G, Chapter 2, Part 3, Classification, and Title 63G, Chapter 2, Part 6,
673 Collection of Information and Accuracy of Records;
- 674 (f) advise the governing board about widespread or systemic data privacy matters or

- 675 alleged violations;
- 676 (g) work with the Division of Purchasing and General Services to develop cooperative
- 677 contracts that a governmental entity may choose to use to support the governmental
- 678 entity's data privacy compliance;
- 679 (h) make available to governmental entities privacy compliance assessment tools that
- 680 may be used by governmental entities to assess the governmental entity's reasonable
- 681 compliance of processing activities described in this chapter;
- 682 (i) upon request of a governmental entity or on the office's own initiative, issue guidance
- 683 or recommendations regarding:
- 684 (i) compliance with this chapter; and
- 685 (ii) best practices for data privacy and data governance;
- 686 (j) contract with an institute, component, or department at a state institution of higher
- 687 education to support the office in:
- 688 (i) conducting research and prepare reports regarding data privacy and data
- 689 governance;
- 690 (ii) providing support to the commission;
- 691 (iii) holding data governance summits and educational programs;
- 692 (iv) developing systems and tools to support data privacy and data governance; and
- 693 (v) providing other services in support of the office's duties under this chapter;
- 694 (k) create data governance models that may be used by governmental entities; and
- 695 ~~[(f)]~~ (l) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 696 Rulemaking Act, to administer this [part] chapter.
- 697 (5)(a) Upon application by a governmental entity, the office may[:]
- 698 ~~[(i)]~~ grant, for a limited period of time, a governmental entity with an:
- 699 ~~[(A)]~~ (i) extension of time to comply with certain requirements of Part 4, Duties of
- 700 Governmental Entities; or
- 701 ~~[(B)]~~ (ii) exemption from complying with certain requirements of Part 4, Duties of
- 702 Governmental Entities[; or] .
- 703 ~~[(ii) allow a governmental entity to establish a data privacy training program for the~~
- 704 ~~governmental entity's employees to complete, instead of the data privacy training~~
- 705 ~~program established by the office under Section 63A-19-401.3, if the~~
- 706 ~~governmental entity's data privacy training program contains the same information~~
- 707 ~~contained in the office's data privacy training program.]~~
- 708 (b) On the office's own initiative, the office may issue a one-time extension to a category

- 709 or group of governmental entities to comply with certain requirements of Part 4,
 710 Duties of Governmental Entities.
- 711 (c) An extension issued under Subsection (5)(b):
 712 (i) shall:
 713 (A) identify the specific duty for which the extension is granted and the section
 714 that imposes the duty; and
 715 (B) specify the category or group of governmental entities to which the extension
 716 applies; and
 717 (ii) may not be longer than 12 months.
- 718 (d) An application for an extension or exemption submitted under Subsection [~~(5)(a)(i)~~]
 719 (5)(a) shall:
 720 (i) identify the specific duty from which the governmental entity seeks an extension
 721 or exemption and the section that imposes that duty; and
 722 (ii) include a justification for the requested extension or exemption.
- 723 [~~(e)~~] (e) If the office grants an exemption under Subsection (5)(a), the office shall report
 724 at the next board meeting:
 725 (i) the name of the governmental entity that received an exemption; and
 726 (ii) the nature of the exemption.
- 727 [~~(d) The office shall notify the state privacy auditor of any approved extensions or~~
 728 ~~exemptions.]~~
- 729 Section 11. Section **63A-19-302** is amended to read:
 730 **63A-19-302 . Chief privacy officer -- Appointment -- Powers -- Reporting.**
- 731 (1) The governor shall, with the advice and consent of the Senate, appoint a chief privacy
 732 officer.
- 733 (2) The chief privacy officer is the director of the office.
- 734 (3) The chief privacy officer:
 735 (a) shall exercise all powers given to and perform all duties imposed on the office;
 736 (b) has administrative authority over the office;
 737 (c) may make changes in office personnel and service functions under the chief privacy
 738 officer's administrative authority;
 739 (d) may authorize a designee to assist with the chief privacy officer's responsibilities; and
 740 (e) shall report annually, on or before [~~October 1~~] June 30, to the [~~Judiciary Interim~~
 741 ~~Committee~~] Government Operations Interim Committee regarding:
 742 (i) recommendations for legislation to address data privacy concerns; and

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

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

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

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

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

753 (c) A governmental entity that is exempt under Section 63G-2-702, 63G-2-703, or
754 63G-2-704 from complying with the requirements in Title 63G, Chapter 2, Part 6,
755 Collection of Information and Accuracy of Records, is exempt from complying with
756 the requirements in this chapter.

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

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

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

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

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

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

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

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

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

771 (b) A governmental entity that fulfills the reporting requirement under Section
772 63A-19-401.3 satisfies the requirement to initiate a privacy program under
773 Subsection (2)(a)(i).

774 (3) A governmental entity may not:

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

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

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

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

780 **63A-19-401.1 . Privacy annotations.**

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

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

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

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

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

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

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

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

796 (iv) any other information required by the rules created by the office under Section
797 63A-19-301.

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

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

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

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

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

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

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

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

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

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

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

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

- 811 ~~[(3) A governmental entity is responsible for:]~~
- 812 ~~[(a) ensuring that each employee of the governmental entity completes the data privacy~~
- 813 ~~training as required by Subsection (2); and]~~
- 814 ~~[(b) reporting the governmental entity's compliance with the training requirements as~~
- 815 ~~described in Section 63A-19-401.3.]~~
- 816 (1) An employee of a governmental entity shall complete data privacy training that includes
- 817 instruction on:
- 818 (a) data privacy best practices, obligations, and responsibilities;
- 819 (b) the relationship between privacy, records management, and security;
- 820 (c) the privacy interests and requirements of this chapter; and
- 821 (d) as applicable, the privacy interests and requirements of Title 63G, Chapter 2,
- 822 Government Records Access and Management Act.
- 823 (2) An employee of a governmental entity shall complete the data privacy training
- 824 described in Subsection (1) if the employee:
- 825 (a) has access to personal data as part of the employee's assigned duties; or
- 826 (b) supervises an employee who has access to personal data.
- 827 (3) The training described in Subsection (1) shall be completed:
- 828 (a) within 30 days after the day on which the employee begins employment with a
- 829 governmental entity; and
- 830 (b) at least once in each calendar year.
- 831 (4) A governmental entity shall:
- 832 (a) ensure that each employee described in Subsection (2) completes a data privacy
- 833 training that meets the requirements described in Subsection (1); and
- 834 (b) report the percentage of the governmental entity's employees required to complete
- 835 the data privacy training under this section that have completed the training as part of
- 836 the privacy program report described in Section 63A-19-401.3.
- 837 (5) A governmental entity may use the data privacy training created by the office to satisfy
- 838 the requirements of this section, or may provide separate data privacy training that meets
- 839 the requirements of this section.
- 840 Section 15. Section **63A-19-401.3** is amended to read:
- 841 **63A-19-401.3 . Privacy program report.**
- 842 (1) On or before December 31 of each year, the chief administrative officer of each
- 843 governmental entity shall prepare a report that includes:
- 844 (a) ~~[whether]~~ how the governmental entity has initiated ~~[a]~~ the governmental entity's

- 845 privacy program;
- 846 (b) a description of:
- 847 (i) ~~[any privacy practices implemented by the governmental entity]~~ the governmental
- 848 entity's privacy program including privacy practices;
- 849 (ii) strategies for improving and maturing the governmental entity's privacy program
- 850 and practices; and
- 851 (iii) the governmental entity's high-risk processing activities;
- 852 (c) a list of the types of personal data the governmental entity currently shares, sells, or
- 853 purchases;
- 854 (d) the legal basis for sharing, selling, or purchasing personal data;
- 855 (e) the category of individuals or entities:
- 856 (i) with whom the governmental entity shares personal data;
- 857 (ii) to whom the governmental entity sells personal data; or
- 858 (iii) from whom the governmental entity purchases personal data;
- 859 (f) ~~[the percentage of the governmental entity's employees that have fulfilled the data~~
- 860 ~~privacy training requirements described in Section 63A-19-401.2]~~ the percentage of
- 861 the governmental entity's employees required to complete the data privacy training
- 862 under Section 63A-19-401.2 that have completed the training; and
- 863 (g) a description of any non-compliant processing activities identified under Subsection
- 864 63A-19-401(2)(a)(iv) and the governmental entity's strategy for bringing those
- 865 activities into compliance with this part.

866 (2) The report described in Subsection (1) shall be:

- 867 (a) ~~[shall be]~~ considered a protected record under Section 63G-2-305;~~[-and]~~
- 868 (b) ~~[may be made available at the request of the office.]~~ shared with the office, in
- 869 accordance with Section 63G-2-206, on or before December 31 each year; and
- 870 (c) retained by the governmental entity for no less than five years.

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

872 **63A-19-401.4 . Requirements for contractors.**

- 873 (1) Except as provided in Subsection (4), a contractor that processes or has access to
- 874 personal data as a part of the contractor's duties under a contract with a governmental
- 875 entity is subject to the requirements of this chapter to the same extent as the
- 876 governmental entity for any personal data the contractor processes or has access to under
- 877 a contract with the governmental entity.
- 878 (2) A contract entered into or renewed between a contractor and a governmental entity after

879 July 1, [2026] 2027, shall contain specific language that requires a contractor to comply
 880 with the requirements of this chapter with regard to the personal data processed or
 881 accessed by the contractor as a part of the contractor's duties under a contract to the
 882 same extent as required of the governmental entity.

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

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

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

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

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

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

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

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

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

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

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

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

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

911 (c) A governmental entity that identifies the unauthorized access, unauthorized
 912 acquisition, unauthorized disclosure, loss of access, or unauthorized destruction of

913 personal data that is used or is reasonably likely to be used to commit theft, fraud, or
914 other criminal acts shall provide notification of the breach to:

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

916 (ii) the attorney general.

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

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

920 (b) include the following information:

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

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

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

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

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

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

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

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

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

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

935 (4) If the information required by Subsections (2)(b) and (3) is not available within five
936 days of discovering the breach, the governmental entity shall provide as much of the
937 information required under Subsections (2)(b) and (3) as is available and supplement
938 the notification with additional information as soon as the information becomes
939 available.

940 (5)(a) A governmental entity that experiences a data breach affecting fewer than 500
941 individuals shall create an internal incident report containing the information in
942 Subsection (2)(b) as soon as practicable and shall provide additional information as
943 the information becomes available.

944 (b) A governmental entity shall provide to the Cyber Center:

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

947 (ii) an annual report logging all of the governmental entity's data breach incidents
948 affecting fewer than 500 individuals.

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

950 **63A-19-406 . Data breach notice to individuals affected by data breach.**

951 (1)(a) Except as provided in Subsection (1)(b), a governmental entity shall provide cause
952 a data breach notice to be sent to an individual or legal guardian of an individual
953 affected by the data breach:

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

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

956 (iii) without unreasonable delay except as provided in Subsection (2).

957 (b) A governmental entity or the governmental entity's contractor is not required to
958 provide a data breach notice to an affected individual as described in Subsection
959 (1)(a) if the:

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

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

964 (2) A governmental entity or the governmental entity's contractor shall delay providing
965 notification under Subsection (1) at the request of a law enforcement agency that
966 determines that notification may impede a criminal investigation, until [~~such time as~~]the
967 law enforcement agency informs the governmental entity that notification will no longer
968 impede the criminal investigation.

969 (3) The data breach notice to an affected individual shall include:

970 (a) a description of the data breach;

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

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

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

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

977 (4) Unless the governmental entity reasonably believes that providing notification would
978 pose a threat to the safety of an individual, or unless an individual has designated to the
979 governmental entity a preferred method of communication, a governmental entity or the
980 governmental entity's contractor shall provide notice by:

- 981 (a)(i) email, if reasonably available and allowed by law; or
982 (ii) mail; and
983 (b) one of the following methods, if the individual's contact information is reasonably
984 available and the method is allowed by law:
985 (i) text message with a summary of the data breach notice and instructions for
986 accessing the full notice; or
987 (ii) telephone message with a summary of the data breach notice and instructions for
988 accessing the full data breach notice.

- 989 (5) A governmental entity shall also provide a data breach notice in a manner that is
990 reasonably calculated to have the best chance of being received by the affected
991 individual or the legal guardian of an individual, such as through a press release, posting
992 on appropriate social media accounts, or publishing notice in a newspaper of general
993 circulation when:
994 (a) a data breach affects more than 500 individuals; and
995 (b) a governmental entity is unable to obtain an individual's contact information to
996 provide notice for any method listed in Subsection (4).

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

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

- 999 (1) The office and the commission shall jointly study the implementation of processing
1000 activities for which an individual's personal data may be collected without the ability to
1001 provide direct notice:
1002 (a) the public safety benefits and legitimate governmental purposes served by the
1003 processing activities described in this Subsection (1);
1004 (b) the privacy implications of the processing activities described in this Subsection (1);
1005 and
1006 (c) appropriate frameworks for governing the processing activities described in this
1007 Subsection (1) by governmental entities.
1008 (2) In conducting the study described in Subsection (1), the office and the commission shall
1009 solicit input from:
1010 (a) state and local law enforcement agencies;
1011 (b) civil liberties organizations;
1012 (c) governmental entities that use or are considering the use of data collection
1013 technology; and
1014 (d) other interested stakeholders.

1015 (3) On or before the November 2027 interim meeting, the office shall report the findings
 1016 and recommendations of the study described in Subsection (2) to the Government
 1017 Operations Interim Committee, including any recommended legislation.

1018 Section 21. Section **63A-19-408**, which is renumbered from Section 63G-2-303 is renumbered
 1019 and amended to read:

1020 **~~63G-2-303~~ 63A-19-408 . Private information concerning certain government**
 1021 **employees.**

1022 (1) As used in this section:

1023 (a) "At-risk government employee" means a current or former:

1024 (i) peace officer as specified in Section 53-13-102;

1025 (ii) state or federal judge of an appellate, district, justice, or juvenile court, or court
 1026 commissioner;

1027 (iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;

1028 (iv) judge authorized by Armed Forces, Title 10, United States Code;

1029 (v) federal prosecutor;

1030 (vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;

1031 (vii) law enforcement official as defined in Section 53-5a-311;

1032 (viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or

1033 (ix) state, federal, or local government employee who, because of the unique nature
 1034 of the employee's regular work assignments or because of one or more recent
 1035 credible threats directed to or against the employee, would be at immediate and
 1036 substantial risk of physical harm if the employee's personal information is
 1037 disclosed.

1038 (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an
 1039 at-risk government employee who is living with the employee.

1040 (c) "Personal information" means the employee's or the employee's family member's
 1041 home address, home telephone number, personal mobile telephone number, personal
 1042 pager number, personal email address, social security number, insurance coverage,
 1043 marital status, or payroll deductions.

1044 (2)(a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may
 1045 file a written application that:

1046 (i) gives notice of the employee's status as an at-risk government employee to each
 1047 agency of a government entity holding a record or a part of a record that would
 1048 disclose the employee's personal information; and

- 1049 (ii) requests that the government agency classify those records or parts of records as
1050 private.
- 1051 (b) An at-risk government employee desiring to file an application under this section
1052 may request assistance from the government agency to identify the individual records
1053 containing personal information.
- 1054 (c) Each government agency shall develop a form that:
- 1055 (i) requires the at-risk government employee to designate each specific record or part
1056 of a record containing the employee's personal information that the applicant
1057 desires to be classified as private;
- 1058 (ii) affirmatively requests that the government entity holding those records classify
1059 them as private;
- 1060 (iii) informs the employee that by submitting a completed form the employee may
1061 not receive official announcements affecting the employee's property, including
1062 notices about proposed municipal annexations, incorporations, or zoning
1063 modifications; and
- 1064 (iv) contains a place for the signature required under Subsection (2)(d).
- 1065 (d) A form submitted by an employee under Subsection (2)(c) shall be signed by the
1066 highest ranking elected or appointed official in the employee's chain of command
1067 certifying that the employee submitting the form is an at-risk government employee.
- 1068 (3) A county recorder, county treasurer, county auditor, or a county tax assessor may fully
1069 satisfy the requirements of this section by:
- 1070 (a) providing a method for the assessment roll and index and the tax roll and index that
1071 will block public access to the home address, home telephone number, situs address,
1072 and Social Security number; and
- 1073 (b) providing the at-risk government employee requesting the classification with a
1074 disclaimer informing the employee that the employee may not receive official
1075 announcements affecting the employee's property, including notices about proposed
1076 annexations, incorporations, or zoning modifications.
- 1077 (4) A government agency holding records of an at-risk government employee classified as
1078 private under this section may release the record or part of the record if:
- 1079 (a) the employee or former employee gives written consent;
- 1080 (b) a court orders release of the records;
- 1081 (c) the government agency receives a certified death certificate for the employee or
1082 former employee; or

- 1083 (d) as it relates to the employee's voter registration record:
- 1084 (i) the person to whom the record or part of the record is released is a qualified
- 1085 person under Subsection 20A-2-104(4)(n); and
- 1086 (ii) the government agency's release of the record or part of the record complies with
- 1087 the requirements of Subsection 20A-2-104(4)(o).
- 1088 (5)(a) If the government agency holding the private record receives a subpoena for the
- 1089 records, the government agency shall attempt to notify the at-risk government
- 1090 employee or former employee by mailing a copy of the subpoena to the employee's
- 1091 last-known mailing address together with a request that the employee either:
- 1092 (i) authorize release of the record; or
- 1093 (ii) within 10 days of the date that the copy and request are mailed, deliver to the
- 1094 government agency holding the private record a copy of a motion to quash filed
- 1095 with the court who issued the subpoena.
- 1096 (b) The government agency shall comply with the subpoena if the government agency
- 1097 has:
- 1098 (i) received permission from the at-risk government employee or former employee to
- 1099 comply with the subpoena;
- 1100 (ii) not received a copy of a motion to quash within 10 days of the date that the copy
- 1101 of the subpoena was mailed; or
- 1102 (iii) received a court order requiring release of the records.
- 1103 (6)(a) Except as provided in Subsection (6)(b), a form submitted under this section
- 1104 remains in effect until the earlier of:
- 1105 (i) four years after the date the employee signs the form, whether or not the
- 1106 employee's employment terminates before the end of the four-year period; and
- 1107 (ii) one year after the government agency receives official notice of the death of the
- 1108 employee.
- 1109 (b) A form submitted under this section may be rescinded at any time by:
- 1110 (i) the at-risk government employee who submitted the form; or
- 1111 (ii) if the at-risk government employee is deceased, a member of the employee's
- 1112 immediate family.

1113 Section 22. Section **63A-19-501** is amended to read:

1114 **63A-19-501 . Data privacy ombudsperson.**

- 1115 (1) ~~[The governor shall appoint a data privacy ombudsperson with the advice of the~~
- 1116 ~~governing board.]~~ There is created within the office the position of data privacy

- 1117 ombudsperson.
- 1118 (2) The governor shall appoint the ombudsperson with the advice of the governing board.
- 1119 ~~[(2)]~~ (3) The ombudsperson shall:
- 1120 (a) be an attorney in good standing and authorized to practice law in this state;
- 1121 (b) be familiar with the provisions of:
- 1122 (i) this chapter;
- 1123 (ii) Chapter 12, Division of Archives and Records Service and Management of
- 1124 Government Records; and
- 1125 (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 1126 ~~[(b)]~~ (c) serve as a resource for:
- 1127 (i) an individual who is making ~~[or responding to a complaint about a governmental~~
- 1128 entity's data privacy practice] a data privacy complaint; and
- 1129 (ii) a governmental entity ~~[which]~~ that is the subject of a data privacy complaint.
- 1130 ~~[(3)]~~ (4) The ombudsperson may~~[-]~~ :
- 1131 (a)(i) upon request by a governmental entity or individual, mediate ~~[data privacy~~
- 1132 disputes between individuals and governmental entities] a dispute between the
- 1133 governmental entity and the individual regarding the individual's data privacy
- 1134 complaint; and
- 1135 (ii) upon resolution of a data privacy complaint described in Subsection (4)(a)(i), post
- 1136 on the office's website a brief summary of the data privacy complaint and the
- 1137 resolution of the matter; and
- 1138 (b) provide data privacy education and training in accordance with Subsection
- 1139 63A-19-301(3)(g).
- 1140 (5) The ombudsperson may not:
- 1141 (a) mediate a dispute between a governmental entity and an individual if the individual's
- 1142 data privacy complaint is within the authority of:
- 1143 (i) the Government Records Office created in Section 63A-12-202; or
- 1144 (ii) the government records ombudsman established in Section 63A-12-204;
- 1145 (b) expand the scope of a mediation beyond the individual's data privacy complaint;
- 1146 (c) testify, or be compelled to testify, regarding a matter for which the ombudsperson
- 1147 provides services under this section; or
- 1148 (d) conduct an audit of a governmental entity's privacy practices.
- 1149 ~~[(4)]~~ (6) After consultation with the chief privacy officer, the ombudsperson may raise [
- 1150 issues] matters and questions ~~[before]~~ to the governing board~~[regarding serious and~~

1151 repeated violations of data privacy from:] .
 1152 [(a) a specific governmental entity; or]
 1153 [(b) widespread governmental entity data privacy practices.]
 1154 [(5) When a data privacy complaint has been resolved, the ombudsperson shall post on the
 1155 office's website a summary of the complaint and the resolution of the matter.]

1156 Section 23. Section **63A-19-502** is enacted to read:

1157 **63A-19-502 . Data privacy complaint process.**

- 1158 (1) An individual who makes a data privacy complaint shall first submit the complaint to
 1159 the chief administrative officer of the governmental entity that is the subject of the
 1160 complaint.
- 1161 (2) Upon receipt of a data privacy complaint under Subsection (1), the chief administrative
 1162 officer shall attempt to resolve the complaint with the individual.
- 1163 (3) If the chief administrative officer is unable to resolve a data privacy complaint with the
 1164 individual under Subsection (2), the individual or the governmental entity may request
 1165 mediation with the ombudsperson in accordance with Section 63A-19-501.
- 1166 (4) If an individual submits a data privacy complaint directly to the ombudsperson, the
 1167 ombudsperson shall:
- 1168 (a) notify the individual and the governmental entity that the complaint will be referred
 1169 to the chief administrative officer of the governmental entity; and
- 1170 (b) refer the complaint to the chief administrative officer.
- 1171 (5) This section does not apply to a complaint about data privacy that is within the authority
 1172 of:
- 1173 (a) the Government Records Office created in Section 63A-12-202; or
- 1174 (b) the government records ombudsman established in Section 63A-12-204.
- 1175 (6) An employee of a governmental entity may submit a confidential and anonymous data
 1176 privacy complaint directly to the attorney general.
- 1177 (7) An employee of a governmental entity who submits a complaint under Subsection (6) is
 1178 entitled to the protections described in Title 67, Chapter 21, Utah Protection of Public
 1179 Employees Act.

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

1181 **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,**
 1182 **protected, and other restricted records -- Disclosure and nondisclosure of records --**
 1183 **Certified copy of record -- Limits on obligation to respond to record request.**

- 1184 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public

- 1185 record free of charge, and the right to take a copy of a public record during normal
1186 working hours, subject to Sections 63G-2-203 and 63G-2-204.
- 1187 (b) A right under Subsection (1)(a) does not apply with respect to a record:
- 1188 (i) a copy of which the governmental entity has already provided to the person;
- 1189 (ii) that is the subject of a records request that the governmental entity is not required
1190 to fill under Subsection (7)(a)(v); or
- 1191 (iii)(A) that is accessible only by a computer or other electronic device owned or
1192 controlled by the governmental entity;
- 1193 (B) that is part of an electronic file that also contains a record that is private,
1194 controlled, or protected; and
- 1195 (C) that the governmental entity cannot readily segregate from the part of the
1196 electronic file that contains a private, controlled, or protected record.
- 1197 (2) A record is public unless otherwise expressly provided by statute.
- 1198 (3) The following records are not public:
- 1199 (a) a record that is private, controlled, or protected under Sections 63G-2-302, [
1200 ~~63G-2-303~~] 63A-19-408, 63G-2-304, and 63G-2-305; and
- 1201 (b) a record to which access is restricted pursuant to court rule, another state statute,
1202 federal statute, or federal regulation, including records for which access is governed
1203 or restricted as a condition of participation in a state or federal program or for
1204 receiving state or federal funds.
- 1205 (4) Only a record specified in Section 63G-2-302, [~~63G-2-303~~] 63A-19-408, 63G-2-304, or
1206 63G-2-305 may be classified private, controlled, or protected.
- 1207 (5)(a) A governmental entity may not disclose a record that is private, controlled, or
1208 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),
1209 Section 63G-2-202, 63G-2-206, or [~~63G-2-303~~] 63A-19-408.
- 1210 (b) A governmental entity may disclose a record that is private under Subsection
1211 63G-2-302(2) or protected under Section 63G-2-305 to persons other than those
1212 specified in Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or
1213 a designee, determines that:
- 1214 (i) there is no interest in restricting access to the record; or
- 1215 (ii) the interests favoring access are greater than or equal to the interest favoring
1216 restriction of access.
- 1217 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may
1218 disclose a record that is protected under Subsection 63G-2-305(51) if:

- 1219 (i) the head of the governmental entity, or a designee, determines that the disclosure:
1220 (A) is mutually beneficial to:
1221 (I) the subject of the record;
1222 (II) the governmental entity; and
1223 (III) the public; and
1224 (B) serves a public purpose related to:
1225 (I) public safety; or
1226 (II) consumer protection; and
1227 (ii) the person who receives the record from the governmental entity agrees not to use
1228 or allow the use of the record for advertising or solicitation purposes.
- 1229 (6) A governmental entity shall provide a person with a certified copy of a record if:
1230 (a) the person requesting the record has a right to inspect it;
1231 (b) the person identifies the record with reasonable specificity; and
1232 (c) the person pays the lawful fees.
- 1233 (7)(a) In response to a request, a governmental entity is not required to:
1234 (i) create a record;
1235 (ii) compile, format, manipulate, package, summarize, or tailor information;
1236 (iii) provide a record in a particular format, medium, or program not currently
1237 maintained by the governmental entity;
1238 (iv) fulfill a person's records request if the request unreasonably duplicates prior
1239 records requests from that person;
1240 (v) fill a person's records request if:
1241 (A) the record requested is:
1242 (I) publicly accessible online; or
1243 (II) included in a public publication or product produced by the governmental
1244 entity receiving the request; and
1245 (B) the governmental entity:
1246 (I) specifies to the person requesting the record where the record is accessible
1247 online; or
1248 (II) provides the person requesting the record with the public publication or
1249 product and specifies where the record can be found in the public
1250 publication or product; or
1251 (vi) fulfill a person's records request if:
1252 (A) the person has been determined under Section 63G-2-209 to be a vexatious

- 1253 requester;
- 1254 (B) the order of the director of the Government Records Office determining the
1255 person to be a vexatious requester provides that the governmental entity is not
1256 required to fulfill a request from the person for a period of time; and
- 1257 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 1258 (b) A governmental entity shall conduct a reasonable search for a requested record.
- 1259 (8)(a) Although not required to do so, a governmental entity may, upon request from the
1260 person who submitted the records request, compile, format, manipulate, package,
1261 summarize, or tailor information or provide a record in a format, medium, or program
1262 not currently maintained by the governmental entity.
- 1263 (b) In determining whether to fulfill a request described in Subsection (8)(a), a
1264 governmental entity may consider whether the governmental entity is able to fulfill
1265 the request without unreasonably interfering with the governmental entity's duties
1266 and responsibilities.
- 1267 (c) A governmental entity may require a person who makes a request under Subsection
1268 (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for
1269 providing the information or record as requested.
- 1270 (9)(a) Notwithstanding any other provision of this chapter, and subject to Subsection
1271 (9)(b), a governmental entity is not required to respond to, or provide a record in
1272 response to, a record request if the request is submitted by or in behalf of an
1273 individual who is on parole or confined in a jail or other correctional facility
1274 following the individual's conviction.
- 1275 (b) Subsection (9)(a) does not apply to:
- 1276 (i) the first five record requests submitted to the governmental entity by or in behalf
1277 of an individual described in Subsection (9)(a) during any calendar year
1278 requesting only a record that contains a specific reference to the individual; or
- 1279 (ii) a record request that is submitted by an attorney of an individual described in
1280 Subsection (9)(a).
- 1281 (10)(a) A governmental entity may allow a person requesting more than 50 pages of
1282 records to copy the records if:
- 1283 (i) the records are contained in files that do not contain records that are exempt from
1284 disclosure, or the records may be segregated to remove private, protected, or
1285 controlled information from disclosure; and
- 1286 (ii) the governmental entity provides reasonable safeguards to protect the public from

- 1287 the potential for loss of a public record.
- 1288 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:
- 1289 (i) provide the requester with the facilities for copying the requested records and
- 1290 require that the requester make the copies; or
- 1291 (ii) allow the requester to provide the requester's own copying facilities and personnel
- 1292 to make the copies at the governmental entity's offices and waive the fees for
- 1293 copying the records.
- 1294 (11)(a) A governmental entity that owns an intellectual property right and that offers the
- 1295 intellectual property right for sale or license may control by ordinance or policy the
- 1296 duplication and distribution of the material based on terms the governmental entity
- 1297 considers to be in the public interest.
- 1298 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections
- 1299 granted to the governmental entity under federal copyright or patent law as a result of
- 1300 its ownership of the intellectual property right.
- 1301 (12) A governmental entity may not use the physical form, electronic or otherwise, in
- 1302 which a record is stored to deny, or unreasonably hinder the rights of a person to inspect
- 1303 and receive a copy of a record under this chapter.
- 1304 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide
- 1305 access to an electronic copy of a record in lieu of providing access to its paper
- 1306 equivalent if:
- 1307 (a) the person making the request requests or states a preference for an electronic copy;
- 1308 (b) the governmental entity currently maintains the record in an electronic format that is
- 1309 reproducible and may be provided without reformatting or conversion; and
- 1310 (c) the electronic copy of the record:
- 1311 (i) does not disclose other records that are exempt from disclosure; or
- 1312 (ii) may be segregated to protect private, protected, or controlled information from
- 1313 disclosure without the undue expenditure of public resources or funds.
- 1314 (14) In determining whether a record is properly classified as private under Subsection
- 1315 63G-2-302(2)(d), the governmental entity, the director of the Government Records
- 1316 Office, local appeals board, or court shall consider and weigh:
- 1317 (a) any personal privacy interests, including those in images, that would be affected by
- 1318 disclosure of the records in question; and
- 1319 (b) any public interests served by disclosure.
- 1320 Section 25. Section **63G-2-301** is amended to read:

1321 **63G-2-301 . Public records.**

1322 (1) As used in this section:

1323 (a) "Business address" means a single address of a governmental agency designated for
1324 the public to contact an employee or officer of the governmental agency.1325 (b) "Business email address" means a single email address of a governmental agency
1326 designated for the public to contact an employee or officer of the governmental
1327 agency.1328 (c) "Business telephone number" means a single telephone number of a governmental
1329 agency designated for the public to contact an employee or officer of the
1330 governmental agency.

1331 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

1332 (2) The following records are public except to the extent they contain information expressly
1333 permitted to be treated confidentially under the provisions of Subsections
1334 63G-2-201(3)(b) and (6)(a):

1335 (a) laws;

1336 (b) the name, gender, gross compensation, job title, job description, business address,
1337 business email address, business telephone number, number of hours worked per pay
1338 period, dates of employment, and relevant education, previous employment, and
1339 similar job qualifications of a current or former employee or officer of the
1340 governmental entity, excluding:

1341 (i) undercover law enforcement personnel; and

1342 (ii) investigative personnel if disclosure could reasonably be expected to impair the
1343 effectiveness of investigations or endanger any individual's safety;1344 (c) final opinions, including concurring and dissenting opinions, and orders that are
1345 made by a governmental entity in an administrative, adjudicative, or judicial
1346 proceeding except that if the proceedings were properly closed to the public, the
1347 opinion and order may be withheld to the extent that they contain information that is
1348 private, controlled, or protected;1349 (d) final interpretations of statutes or rules by a governmental entity unless classified as
1350 protected as provided in Subsection 63G-2-305(17) or (18);1351 (e) information contained in or compiled from a transcript, minutes, or report of the open
1352 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,
1353 Open and Public Meetings Act, including the records of all votes of each member of
1354 the governmental entity;

- 1355 (f) judicial records unless a court orders the records to be restricted under the rules of
1356 civil or criminal procedure or unless the records are private under this chapter;
- 1357 (g) unless otherwise classified as private under Section [~~63G-2-303~~] 63A-19-408, records
1358 or parts of records filed with or maintained by county recorders, clerks, treasurers,
1359 surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the
1360 School and Institutional Trust Lands Administration, the Division of Oil, Gas, and
1361 Mining, the Division of Water Rights, or other governmental entities that give public
1362 notice of:
- 1363 (i) titles or encumbrances to real property;
- 1364 (ii) restrictions on the use of real property;
- 1365 (iii) the capacity of persons to take or convey title to real property; or
- 1366 (iv) tax status for real and personal property;
- 1367 (h) records of the Department of Commerce that evidence incorporations, mergers, name
1368 changes, and uniform commercial code filings;
- 1369 (i) data on individuals that would otherwise be private under this chapter if the
1370 individual who is the subject of the record has given the governmental entity written
1371 permission to make the records available to the public;
- 1372 (j) documentation of the compensation that a governmental entity pays to a contractor or
1373 private provider;
- 1374 (k) summary data;
- 1375 (l) voter registration records, including an individual's voting history, except for a voter
1376 registration record or those parts of a voter registration record that are classified as
1377 private under Subsections 63G-2-302(1)(j) through (n) or withheld under Subsection
1378 20A-2-104(7);
- 1379 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if
1380 available, and email address, if available, where that elected official may be reached
1381 as required in Title 11, Chapter 47, Access to Elected Officials;
- 1382 (n) for a school community council member, a telephone number, if available, and email
1383 address, if available, where that elected official may be reached directly as required
1384 in Section 53G-7-1203;
- 1385 (o) annual audited financial statements of the Utah Educational Savings Plan described
1386 in Section 53H-10-210; and
- 1387 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as
1388 defined in Section 20A-7-101, after the packet is submitted to a county clerk.

- 1389 (3) The following records are normally public, but to the extent that a record is expressly
1390 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
1391 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 1392 (a) administrative staff manuals, instructions to staff, and statements of policy;
 - 1393 (b) records documenting a contractor's or private provider's compliance with the terms
1394 of a contract with a governmental entity;
 - 1395 (c) records documenting the services provided by a contractor or a private provider to
1396 the extent the records would be public if prepared by the governmental entity;
 - 1397 (d) contracts entered into by a governmental entity;
 - 1398 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
1399 by a governmental entity;
 - 1400 (f) records relating to government assistance or incentives publicly disclosed, contracted
1401 for, or given by a governmental entity, encouraging a person to expand or relocate a
1402 business in Utah, except as provided in Subsection 63G-2-305(35);
 - 1403 (g) chronological logs and initial contact reports;
 - 1404 (h) correspondence by and with a governmental entity in which the governmental entity
1405 determines or states an opinion upon the rights of the state, a political subdivision,
1406 the public, or any person;
 - 1407 (i) empirical data contained in drafts if:
 - 1408 (i) the empirical data is not reasonably available to the requester elsewhere in similar
1409 form; and
 - 1410 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
1411 make nonsubstantive changes before release;
 - 1412 (j) drafts that are circulated to anyone other than:
 - 1413 (i) a governmental entity;
 - 1414 (ii) a political subdivision;
 - 1415 (iii) a federal agency if the governmental entity and the federal agency are jointly
1416 responsible for implementation of a program or project that has been legislatively
1417 approved;
 - 1418 (iv) a government-managed corporation; or
 - 1419 (v) a contractor or private provider;
 - 1420 (k) drafts that have never been finalized but were relied upon by the governmental entity
1421 in carrying out action or policy;
 - 1422 (l) original data in a computer program if the governmental entity chooses not to

- 1423 disclose the program;
- 1424 (m) arrest warrants after issuance, except that, for good cause, a court may order
1425 restricted access to arrest warrants prior to service;
- 1426 (n) search warrants after execution and filing of the return, except that a court, for good
1427 cause, may order restricted access to search warrants prior to trial;
- 1428 (o) records that would disclose information relating to formal charges or disciplinary
1429 actions against a past or present governmental entity employee if:
- 1430 (i) the disciplinary action has been completed and all time periods for administrative
1431 appeal have expired; and
- 1432 (ii) the charges on which the disciplinary action was based were sustained;
- 1433 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and
1434 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
1435 evidence mineral production on government lands;
- 1436 (q) final audit reports;
- 1437 (r) occupational and professional licenses;
- 1438 (s) business licenses;
- 1439 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar
1440 records used to initiate proceedings for discipline or sanctions against persons
1441 regulated by a governmental entity, but not including records that initiate employee
1442 discipline; and
- 1443 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding
1444 the operation of a correctional facility or the care and control of inmates
1445 committed to the custody of a correctional facility; and
- 1446 (ii) records that disclose the results of an audit or other inspection assessing a
1447 correctional facility's compliance with a standard, regulation, policy, guideline, or
1448 rule described in Subsection (3)(u)(i).
- 1449 (4) The list of public records in this section is not exhaustive and should not be used to limit
1450 access to records.

1451 Section 26. Section **63G-2-302** is amended to read:

1452 **63G-2-302 . Private records.**

- 1453 (1) The following records are private:
- 1454 (a) records concerning an individual's eligibility for unemployment insurance benefits,
1455 social services, welfare benefits, or the determination of benefit levels;
- 1456 (b) records containing data on individuals describing medical history, diagnosis,

- 1457 condition, treatment, evaluation, or similar medical data;
- 1458 (c) records of publicly funded libraries that when examined alone or with other records
1459 identify a patron;
- 1460 (d) records received by or generated by or for:
- 1461 (i) the Independent Legislative Ethics Commission, except for:
- 1462 (A) the commission's summary data report that is required under legislative rule;
1463 and
- 1464 (B) any other document that is classified as public under legislative rule; or
- 1465 (ii) a Senate or House Ethics Committee in relation to the review of ethics
1466 complaints, unless the record is classified as public under legislative rule;
- 1467 (e) records received by, or generated by or for, the Independent Executive Branch Ethics
1468 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,
1469 Review of Executive Branch Ethics Complaints;
- 1470 (f) records received or generated for a Senate confirmation committee concerning
1471 character, professional competence, or physical or mental health of an individual:
- 1472 (i) if, prior to the meeting, the chair of the committee determines release of the
1473 records:
- 1474 (A) reasonably could be expected to interfere with the investigation undertaken by
1475 the committee; or
- 1476 (B) would create a danger of depriving a person of a right to a fair proceeding or
1477 impartial hearing; and
- 1478 (ii) after the meeting, if the meeting was closed to the public;
- 1479 (g) employment records concerning a current or former employee of, or applicant for
1480 employment with, a governmental entity that would disclose that individual's home
1481 address, home telephone number, social security number, insurance coverage, marital
1482 status, or payroll deductions;
- 1483 (h) records or parts of records under Section [~~63G-2-303~~] 63A-19-408 that a current or
1484 former employee identifies as private according to the requirements of that section;
- 1485 (i) that part of a record indicating a person's social security number or federal employer
1486 identification number if provided under Section 31A-23a-104, 31A-25-202,
1487 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 1488 (j) that part of a voter registration record identifying a voter's:
- 1489 (i) driver license or identification card number;
- 1490 (ii) social security number, or last four digits of the social security number;

- 1491 (iii) email address;
- 1492 (iv) date of birth; or
- 1493 (v) phone number;
- 1494 (k) a voter registration record that is classified as a private record by the lieutenant
- 1495 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
- 1496 20A-2-204(4)(b);
- 1497 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 1498 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
- 1499 verification submitted in support of the form;
- 1500 (n) a record or information regarding whether a voter returned a ballot with postage
- 1501 attached;
- 1502 (o) a record that:
- 1503 (i) contains information about an individual;
- 1504 (ii) is voluntarily provided by the individual; and
- 1505 (iii) goes into an electronic database that:
- 1506 (A) is designated by and administered under the authority of the [~~Chief~~
- 1507 ~~Information Officer~~] chief information officer; and
- 1508 (B) acts as a repository of information about the individual that can be
- 1509 electronically retrieved and used to facilitate the individual's online interaction
- 1510 with a state agency;
- 1511 (p) information provided to the [~~Commissioner of Insurance~~] commissioner of insurance
- 1512 under:
- 1513 (i) Subsection 31A-23a-115(3)(a);
- 1514 (ii) Subsection 31A-23a-302(4); or
- 1515 (iii) Subsection 31A-26-210(4);
- 1516 (q) information obtained through a criminal background check under Title 11, Chapter
- 1517 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 1518 (r) information provided by an offender that is:
- 1519 (i) required by the registration requirements of Title 53, Chapter 29, Sex, Kidnap, and
- 1520 Child Abuse Offender Registry; and
- 1521 (ii) not required to be made available to the public under Subsection 53-29-404(3)(a);
- 1522 (s) a statement and any supporting documentation filed with the attorney general in
- 1523 accordance with Section 34-45-107, if the federal law or action supporting the filing
- 1524 involves homeland security;

- 1525 (t) electronic toll collection customer account information received or collected under
1526 Section 72-6-118 and customer information described in Section 17B-2a-815
1527 received or collected by a public transit district, including contact and payment
1528 information and customer travel data;
- 1529 (u) an email address provided by a military or overseas voter under Section 20A-16-501;
- 1530 (v) a completed military-overseas ballot that is electronically transmitted under Title
1531 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 1532 (w) records received by or generated by or for the Political Subdivisions Ethics Review
1533 Commission established in Section 63A-15-201, except for:
- 1534 (i) the commission's summary data report that is required in Section 63A-15-202; and
1535 (ii) any other document that is classified as public in accordance with Title 63A,
1536 Chapter 15, Political Subdivisions Ethics Review Commission;
- 1537 (x) a record described in Section 53G-9-604 that verifies that a parent was notified of an
1538 incident or threat;
- 1539 (y) a criminal background check or credit history report conducted in accordance with
1540 Section 63A-3-201;
- 1541 (z) a record described in Subsection 53-5a-104(7);
- 1542 (aa) on a record maintained by a county for the purpose of administering property taxes,
1543 an individual's:
- 1544 (i) email address;
1545 (ii) phone number; or
1546 (iii) personal financial information related to a person's payment method;
- 1547 (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
1548 exemption, deferral, abatement, or relief under:
- 1549 (i) Title 59, Chapter 2, Part 11, Exemptions; or
1550 (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;
- 1551 (cc) a record provided by the State Tax Commission in response to a request under
1552 Subsection 59-1-403(4)(y)(iii);
- 1553 (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual
1554 child welfare case, as described in Subsection 36-33-103(3);
- 1555 (ee) a record relating to drug or alcohol testing of a state employee under Section
1556 63A-17-1004;
- 1557 (ff) a record relating to a request by a state elected official or state employee who has
1558 been threatened to the Division of Technology Services to remove personal

- 1559 identifying information from the open web under Section 63A-16-109;
- 1560 (gg) a record including confidential information as that term is defined in Section
- 1561 67-27-106; and
- 1562 (hh) a record or notice received or generated under Title 53, Chapter 30, Security
- 1563 Improvements Act, relating to:
- 1564 (i) an application for certification described in Section 53-30-201; or
- 1565 (ii) a security improvement, including a building permit application or building
- 1566 permit for a security improvement described in Section 53-30-301.
- 1567 (2) The following records are private if properly classified by a governmental entity:
- 1568 (a) records concerning a current or former employee of, or applicant for employment
- 1569 with a governmental entity, including performance evaluations and personal status
- 1570 information such as race, religion, or disabilities, but not including records that are
- 1571 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under
- 1572 Subsection (1)(b);
- 1573 (b) records describing an individual's finances, except that the following are public:
- 1574 (i) records described in Subsection 63G-2-301(2);
- 1575 (ii) information provided to the governmental entity for the purpose of complying
- 1576 with a financial assurance requirement; or
- 1577 (iii) records that must be disclosed in accordance with another statute;
- 1578 (c) records of independent state agencies if the disclosure of those records would
- 1579 conflict with the fiduciary obligations of the agency;
- 1580 (d) other records containing data on individuals the disclosure of which constitutes a
- 1581 clearly unwarranted invasion of personal privacy;
- 1582 (e) records provided by the United States or by a government entity outside the state that
- 1583 are given with the requirement that the records be managed as private records, if the
- 1584 providing entity states in writing that the record would not be subject to public
- 1585 disclosure if retained by it;
- 1586 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
- 1587 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
- 1588 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
- 1589 vulnerable adult; and
- 1590 (g) audio and video recordings created by a body-worn camera, as defined in Section
- 1591 77-7a-103, that record sound or images inside a home or residence except for
- 1592 recordings that:

- 1593 (i) depict the commission of an alleged crime;
1594 (ii) record any encounter between a law enforcement officer and a person that results
1595 in death or bodily injury, or includes an instance when an officer fires a weapon;
1596 (iii) record any encounter that is the subject of a complaint or a legal proceeding
1597 against a law enforcement officer or law enforcement agency;
1598 (iv) contain an officer-involved critical incident as defined in Subsection
1599 76-2-408(1)(f); or
1600 (v) have been requested for reclassification as a public record by a subject or
1601 authorized agent of a subject featured in the recording.

1602 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
1603 statements, history, diagnosis, condition, treatment, and evaluation.

1604 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
1605 doctors, or affiliated entities are not private records or controlled records under
1606 Section 63G-2-304 when the records are sought:

- 1607 (i) in connection with any legal or administrative proceeding in which the patient's
1608 physical, mental, or emotional condition is an element of any claim or defense; or
1609 (ii) after a patient's death, in any legal or administrative proceeding in which any
1610 party relies upon the condition as an element of the claim or defense.

1611 (c) Medical records are subject to production in a legal or administrative proceeding
1612 according to state or federal statutes or rules of procedure and evidence as if the
1613 medical records were in the possession of a nongovernmental medical care provider.

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

1615 **63G-2-601 . Rights of individuals on whom data is maintained -- Classification**
1616 **statement filed with state archivist -- Notice to provider of information.**

1617 (1)(a) Each governmental entity shall file with the state archivist a statement explaining,
1618 for each record series collected, maintained, or used by the governmental entity, the
1619 purposes for which each private or controlled record in the record series is collected,
1620 maintained, or used by that governmental entity.

1621 (b) The statement filed under Subsection (1)(a):

- 1622 (i) shall identify the authority under which the governmental entity collects the
1623 records or information included in the statement described in Subsection (1)(a);
1624 and
1625 (ii) is a public record.

1626 (2) A governmental entity may only use the information contained in a controlled or private

1627 record for:

1628 (a) the purposes described in the statement provided under Subsection (1); or

1629 (b) the purposes for which another governmental entity may use the record under

1630 Section 63G-2-206.

1631 [~~(2)(a) A governmental entity shall provide the notice described in this Subsection (2)~~

1632 ~~to a person that is asked to furnish information that could be classified as a private or~~

1633 ~~controlled record.]~~

1634 [~~(b) The notice required under Subsection (2)(a) shall:~~

1635 ~~(i) identify the record series that includes the information described in Subsection~~

1636 ~~(2)(a);]~~

1637 ~~(ii) state the reasons the person is asked to furnish the information;]~~

1638 ~~(iii) state the intended uses of the information;]~~

1639 ~~(iv) state the consequences for refusing to provide the information; and]~~

1640 ~~(v) disclose the classes of persons and the governmental entities that currently:]~~

1641 ~~(A) share the information with the governmental entity; or]~~

1642 ~~(B) receive the information from the governmental entity on a regular or~~

1643 ~~contractual basis.]~~

1644 [~~(c) The governmental entity shall:]~~

1645 ~~(i) post the notice required under this Subsection (2) in a prominent place at all~~

1646 ~~locations where the governmental entity collects the information; or]~~

1647 ~~(ii) include the notice required under this Subsection (2) as part of the documents or~~

1648 ~~forms that are used by the governmental entity to collect the information.]~~

1649 [~~(3) Upon request, each governmental entity shall, in relation to the information described~~

1650 ~~in Subsection (2)(a), as applicable, explain to a person:]~~

1651 ~~(a) the reasons the person is asked to furnish information;]~~

1652 ~~(b) the intended uses of the information;]~~

1653 ~~(c) the consequences for refusing to provide the information; and]~~

1654 ~~(d) the reasons and circumstances under which the information may be shared with, or~~

1655 ~~provided to, other persons or governmental entities.]~~

1656 [~~(4) A governmental entity may use the information that the governmental entity is required~~

1657 ~~to disclose under Subsection (2)(a) only for those purposes:]~~

1658 ~~(a) given in the statement filed with the state archivist under Subsection (1); or]~~

1659 ~~(b) for which another governmental entity may use the record under Section 63G-2-206.]~~

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

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

- 1662 (1) Neither the governmental entity, nor any officer or employee of the governmental
1663 entity, is liable for damages resulting from the release of a record where the person or
1664 government requesting the record presented evidence of authority to obtain the record
1665 even if it is subsequently determined that the requester had no authority.
- 1666 (2) Neither the governmental entity, nor any officer or employee of the governmental
1667 entity, is liable for damages arising from the negligent disclosure of records classified as
1668 private under Subsection 63G-2-302(1)(g) unless:
- 1669 (a) the disclosure was of employment records maintained by the governmental entity; or
1670 (b) the current or former government employee had previously filed the notice required
1671 by Section [~~63G-2-303~~] 63A-19-408 and:
- 1672 (i) the government entity did not take reasonable steps to preclude access or
1673 distribution of the record; or
1674 (ii) the release of the record was otherwise willfully or grossly negligent.
- 1675 (3) A mailing from a government agency to an individual who has filed an application
1676 under Section [~~63G-2-303~~] 63A-19-408 is not a wrongful disclosure under this chapter or
1677 under Title 63A, Chapter 12, Division of Archives and Records Service and
1678 Management of Government Records.

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

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

- 1681 (1) As used in this section:
- 1682 (a) "Entity" means a limited purpose entity or a local government entity.
- 1683 (b)(i) "Limited purpose entity" means a legal entity that:
- 1684 (A) performs a single governmental function or limited governmental functions;
1685 and
1686 (B) is not a state executive branch agency, a state legislative office, or within the
1687 judicial branch.
- 1688 (ii) "Limited purpose entity" includes:
- 1689 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as
1690 those terms are defined in Section 26B-6-101;
1691 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;
1692 (C) community reinvestment agencies, as that term is defined in Section
1693 17C-1-102;
1694 (D) conservation districts, as that term is defined in Section 17D-3-102;

- 1695 (E) governmental nonprofit corporations, as that term is defined in Section
 1696 11-13a-102;
- 1697 (F) housing authorities, as that term is defined in Section 35A-8-401;
- 1698 (G) independent entities and independent state agencies, as those terms are
 1699 defined in Section 63E-1-102;
- 1700 (H) interlocal entities, as that term is defined in Section 11-13-103;
- 1701 (I) local building authorities, as that term is defined in Section 17D-2-102;
- 1702 (J) special districts, as that term is defined in Section 17B-1-102;
- 1703 (K) local health departments, as that term is defined in Section 26A-1-102;
- 1704 (L) local mental health authorities, as that term is defined in Section 62A-15-102;
- 1705 (M) nonprofit corporations that receive an amount of money requiring an
 1706 accounting report under Section 51-2a-201.5;
- 1707 (N) school districts under Title 53G, Chapter 3, School District Creation and
 1708 Change;
- 1709 (O) special service districts, as that term is defined in Section 17D-1-102; and
- 1710 (P) substance abuse authorities, as that term is defined in Section 62A-15-102.
- 1711 (c) "Local government and limited purpose entity registry" or "registry" means the
 1712 registry of local government entities and limited purpose entities created under this
 1713 section.
- 1714 (d) "Local government entity" means:
- 1715 (i) a county, as that term is defined in Section 17-60-101; and
- 1716 (ii) a municipality, as that term is defined in Section 10-1-104.
- 1717 (e) "Notice of failure to register" means the notice the lieutenant governor sends, in
 1718 accordance with Subsection (7)(a), to an entity that does not register.
- 1719 (f) "Notice of failure to renew" means the notice the lieutenant governor sends to a
 1720 registered entity, in accordance with Subsection (7)(b).
- 1721 (g) "Notice of noncompliance" means the notice the lieutenant governor sends to a
 1722 registered entity, in accordance with Subsection (6)(c).
- 1723 (h) "Notice of non-registration" means the notice the lieutenant governor sends to an
 1724 entity and the state auditor, in accordance with Subsection (9).
- 1725 (i) "Notice of registration or renewal" means the notice the lieutenant governor sends, in
 1726 accordance with Subsection (6)(b)(i).
- 1727 (j) "Registered entity" means an entity with a valid registration as described in
 1728 Subsection (8).

- 1729 (2) The lieutenant governor shall:
- 1730 (a) create a registry of each local government entity and limited purpose entity within
- 1731 the state that:
- 1732 (i) contains the information described in Subsection (4); and
- 1733 (ii) is accessible on the lieutenant governor's website or otherwise publicly available;
- 1734 and
- 1735 (b) establish fees for registration and renewal, in accordance with Section 63J-1-504,
- 1736 based on and to directly offset the cost of creating, administering, and maintaining
- 1737 the registry.
- 1738 (3) Each local government entity and limited purpose entity shall:
- 1739 (a) on or before July 1, 2019, register with the lieutenant governor as described in
- 1740 Subsection (4);
- 1741 (b) on or before one year after the day on which the lieutenant governor issues the notice
- 1742 of registration or renewal, annually renew the entity's registration in accordance with
- 1743 Subsection (5); and
- 1744 (c) on or before 30 days after the day on which any of the information described in
- 1745 Subsection (4) changes, send notice of the changes to the lieutenant governor.
- 1746 (4) Each entity shall include the following information in the entity's registration
- 1747 submission:
- 1748 (a) the resolution or other legal or formal document creating the entity or, if the
- 1749 resolution or other legal or formal document creating the entity cannot be located,
- 1750 conclusive proof of the entity's lawful creation;
- 1751 (b) if the entity has geographic boundaries, a map or plat identifying the current
- 1752 geographic boundaries of the entity, or if it is impossible or unreasonably expensive
- 1753 to create a map or plat, a metes and bounds description, or another legal description
- 1754 that identifies the current boundaries of the entity;
- 1755 (c) the entity's name;
- 1756 (d) the entity's type of local government entity or limited purpose entity;
- 1757 (e) the entity's governmental function;
- 1758 (f) the entity's website, physical address, and phone number, including the name and
- 1759 contact information of an individual whom the entity designates as the primary
- 1760 contact for the entity;
- 1761 (g)(i) names, email addresses, and phone numbers of the members of the entity's
- 1762 governing board or commission, managing officers, or other similar managers and

- 1763 the method by which the members or officers are appointed, elected, or otherwise
1764 designated;
- 1765 (ii) the date of the most recent appointment or election of each entity governing board
1766 or commission member; and
- 1767 (iii) the date of the anticipated end of each entity governing board or commission
1768 member's term;
- 1769 (h) the entity's sources of revenue; and
- 1770 (i) if the entity has created an assessment area, as that term is defined in Section
1771 11-42-102, information regarding the creation, purpose, and boundaries of the
1772 assessment area.
- 1773 (5) Each entity shall include the following information in the entity's renewal submission:
- 1774 (a) identify and update any incorrect or outdated information the entity previously
1775 submitted during registration under Subsection (4); or
- 1776 (b) certify that the information the entity previously submitted during registration under
1777 Subsection (4) is correct without change.
- 1778 (6) Within 30 days of receiving an entity's registration or renewal submission, the lieutenant
1779 governor shall:
- 1780 (a) review the submission to determine compliance with Subsection (4) or (5);
- 1781 (b) if the lieutenant governor determines that the entity's submission complies with
1782 Subsection (4) or (5):
- 1783 (i) send a notice of registration or renewal that includes the information that the entity
1784 submitted under Subsection (4) or (5) to:
- 1785 (A) the registering or renewing entity;
- 1786 (B) each county in which the entity operates, either in whole or in part, or where
1787 the entity's geographic boundaries overlap or are contained within the
1788 boundaries of the county;
- 1789 (C) the Division of Archives and Records Service; and
- 1790 (D) the Office of the Utah State Auditor; and
- 1791 (ii) publish the information from the submission on the registry, except any email
1792 address or phone number that is personal information as defined in Section [
1793 63G-2-303] 63A-19-408; and
- 1794 (c) if the lieutenant governor determines that the entity's submission does not comply
1795 with Subsection (4) or (5) or is otherwise inaccurate or deficient, send a notice of
1796 noncompliance to the registering or renewing entity that:

- 1797 (i) identifies each deficiency in the entity's submission with the corresponding
1798 statutory requirement;
- 1799 (ii) establishes a deadline to cure the entity's noncompliance that is the first business
1800 day that is at least 30 calendar days after the day on which the lieutenant governor
1801 sends the notice of noncompliance; and
- 1802 (iii) states that failure to comply by the deadline the lieutenant governor establishes
1803 under Subsection (6)(c)(ii) will result in the lieutenant governor sending a notice
1804 of non-registration to the Office of the Utah State Auditor, in accordance with
1805 Subsection (9).
- 1806 (7)(a) If the lieutenant governor identifies an entity that does not make a registration
1807 submission in accordance with Subsection (4) by the deadline described in
1808 Subsection (3), the lieutenant governor shall send a notice of failure to register to the
1809 registered entity that:
- 1810 (i) identifies the statutorily required registration deadline described in Subsection (3)
1811 that the entity did not meet;
- 1812 (ii) establishes a deadline to cure the entity's failure to register that is the first
1813 business day that is at least 10 calendar days after the day on which the lieutenant
1814 governor sends the notice of failure to register; and
- 1815 (iii) states that failure to comply by the deadline the lieutenant governor establishes
1816 under Subsection (7)(a)(ii) will result in the lieutenant governor sending a notice
1817 of non-registration to the Office of the Utah State Auditor, in accordance with
1818 Subsection (9).
- 1819 (b) If a registered entity does not make a renewal submission in accordance with
1820 Subsection (5) by the deadline described in Subsection (3), the lieutenant governor
1821 shall send a notice of failure to renew to the registered entity that:
- 1822 (i) identifies the renewal deadline described in Subsection (3) that the entity did not
1823 meet;
- 1824 (ii) establishes a deadline to cure the entity's failure to renew that is the first business
1825 day that is at least 30 calendar days after the day on which the lieutenant governor
1826 sends the notice of failure to renew; and
- 1827 (iii) states that failure to comply by the deadline the lieutenant governor establishes
1828 under Subsection (7)(b)(ii) will result in the lieutenant governor sending a notice
1829 of non-registration to the Office of the Utah State Auditor, in accordance with
1830 Subsection (9).

- 1831 (8) An entity's registration is valid:
- 1832 (a) if the entity makes a registration or renewal submission in accordance with the
- 1833 deadlines described in Subsection (3);
- 1834 (b) during the period the lieutenant governor establishes in the notice of noncompliance
- 1835 or notice of failure to renew during which the entity may cure the identified
- 1836 registration deficiencies; and
- 1837 (c) for one year beginning on the day the lieutenant governor issues the notice of
- 1838 registration or renewal.
- 1839 (9)(a) The lieutenant governor shall send a notice of non-registration to the Office of the
- 1840 Utah State Auditor if an entity fails to:
- 1841 (i) cure the entity's noncompliance by the deadline the lieutenant governor establishes
- 1842 in the notice of noncompliance;
- 1843 (ii) register by the deadline the lieutenant governor establishes in the notice of failure
- 1844 to register; or
- 1845 (iii) cure the entity's failure to renew by the deadline the lieutenant governor
- 1846 establishes in the notice of failure to renew.
- 1847 (b) The lieutenant governor shall ensure that the notice of non-registration:
- 1848 (i) includes a copy of the notice of noncompliance, the notice of failure to register, or
- 1849 the notice of failure to renew; and
- 1850 (ii) requests that the state auditor withhold state allocated funds or the disbursement
- 1851 of property taxes and prohibit the entity from accessing money held by the state or
- 1852 money held in an account of a financial institution, in accordance with
- 1853 Subsections 67-3-1(7)(i) and 67-3-1(10).
- 1854 (10) The lieutenant governor may extend a deadline under this section if an entity notifies
- 1855 the lieutenant governor, before the deadline to be extended, of the existence of an
- 1856 extenuating circumstance that is outside the control of the entity.
- 1857 (11)(a) An entity is not required to renew submission of a registration under this section
- 1858 if an entity provides a record of dissolution.
- 1859 (b) The lieutenant governor shall include in the registry an entity's record of dissolution
- 1860 and indicate on the registry that the entity is dissolved.
- 1861 Section 30. Section **67-3-1** is amended to read:
- 1862 **67-3-1 . Functions and duties.**
- 1863 (1)(a) The state auditor is the auditor of public accounts and is independent of any
- 1864 executive or administrative officers of the state.

- 1865 (b) The state auditor is not limited in the selection of personnel or in the determination
1866 of the reasonable and necessary expenses of the state auditor's office.
- 1867 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
1868 financial statements showing:
- 1869 (a) the condition of the state's finances;
- 1870 (b) the revenues received or accrued;
- 1871 (c) expenditures paid or accrued;
- 1872 (d) the amount of unexpended or unencumbered balances of the appropriations to the
1873 agencies, departments, divisions, commissions, and institutions; and
- 1874 (e) the cash balances of the funds in the custody of the state treasurer.
- 1875 (3)(a) The state auditor shall:
- 1876 (i) audit each permanent fund, each special fund, the General Fund, and the accounts
1877 of any department of state government or any independent agency or public
1878 corporation as the law requires, as the auditor determines is necessary, or upon
1879 request of the governor or the Legislature;
- 1880 (ii) perform the audits in accordance with generally accepted auditing standards and
1881 other auditing procedures as promulgated by recognized authoritative bodies; and
- 1882 (iii) as the auditor determines is necessary, conduct the audits to determine:
- 1883 (A) honesty and integrity in fiscal affairs;
- 1884 (B) accuracy and reliability of financial statements;
- 1885 (C) effectiveness and adequacy of financial controls; and
- 1886 (D) compliance with the law.
- 1887 (b) If any state entity receives federal funding, the state auditor shall ensure that the
1888 audit is performed in accordance with federal audit requirements.
- 1889 (c)(i) The costs of the federal compliance portion of the audit may be paid from an
1890 appropriation to the state auditor from the General Fund.
- 1891 (ii) If an appropriation is not provided, or if the federal government does not
1892 specifically provide for payment of audit costs, the costs of the federal compliance
1893 portions of the audit shall be allocated on the basis of the percentage that each
1894 state entity's federal funding bears to the total federal funds received by the state.
- 1895 (iii) The allocation shall be adjusted to reflect any reduced audit time required to
1896 audit funds passed through the state to local governments and to reflect any
1897 reduction in audit time obtained through the use of internal auditors working
1898 under the direction of the state auditor.

- 1899 (4)(a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
1900 financial audits, and as the auditor determines is necessary, conduct performance and
1901 special purpose audits, examinations, and reviews of any entity that receives public
1902 funds, including a determination of any or all of the following:
- 1903 (i) the honesty and integrity of all the entity's fiscal affairs;
 - 1904 (ii) whether the entity's administrators have faithfully complied with legislative intent;
 - 1905 (iii) whether the entity's operations have been conducted in an efficient, effective, and
1906 cost-efficient manner;
 - 1907 (iv) whether the entity's programs have been effective in accomplishing the intended
1908 objectives; and
 - 1909 (v) whether the entity's management, control, and information systems are adequate,
1910 effective, and secure.
- 1911 (b) The auditor may not conduct performance and special purpose audits, examinations,
1912 and reviews of any entity that receives public funds if the entity:
- 1913 (i) has an elected auditor; and
 - 1914 (ii) has, within the entity's last budget year, had the entity's financial statements or
1915 performance formally reviewed by another outside auditor.
- 1916 (5) The state auditor:
- 1917 (a) shall administer any oath or affirmation necessary to the performance of the duties of
1918 the auditor's office; and
 - 1919 (b) may:
 - 1920 (i) subpoena witnesses and documents, whether electronic or otherwise; and
 - 1921 (ii) examine into any matter that the auditor considers necessary.
- 1922 (6) The state auditor may require all persons who have had the disposition or management
1923 of any property of this state or its political subdivisions to submit statements regarding
1924 the property at the time and in the form that the auditor requires.
- 1925 (7) The state auditor shall:
- 1926 (a) except where otherwise provided by law, institute suits in Salt Lake County in
1927 relation to the assessment, collection, and payment of revenues against:
 - 1928 (i) persons who by any means have become entrusted with public money or property
1929 and have failed to pay over or deliver the money or property; and
 - 1930 (ii) all debtors of the state;
 - 1931 (b) collect and pay into the state treasury all fees received by the state auditor;
 - 1932 (c) perform the duties of a member of all boards of which the state auditor is a member

- 1933 by the constitution or laws of the state, and any other duties that are prescribed by the
 1934 constitution and by law;
- 1935 (d) stop the payment of the salary of any state official or state employee who:
- 1936 (i) refuses to settle accounts or provide required statements about the custody and
 1937 disposition of public funds or other state property;
- 1938 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
 1939 board or department head with respect to the manner of keeping prescribed
 1940 accounts or funds; or
- 1941 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
 1942 official's or employee's attention;
- 1943 (e) establish accounting systems, methods, and forms for public accounts in all taxing or
 1944 fee-assessing units of the state in the interest of uniformity, efficiency, and economy;
- 1945 (f) superintend the contractual auditing of all state accounts;
- 1946 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
 1947 property taxes from a state or local taxing or fee-assessing unit, if necessary, to
 1948 ensure that officials and employees in those taxing units comply with state laws and
 1949 procedures in the budgeting, expenditures, and financial reporting of public funds;
- 1950 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
 1951 if necessary, to ensure that officials and employees in the county comply with
 1952 Section 59-2-303.1; and
- 1953 (i) withhold state allocated funds or the disbursement of property taxes from a local
 1954 government entity or a limited purpose entity, as those terms are defined in Section
 1955 67-1a-15 if the state auditor finds the withholding necessary to ensure that the entity
 1956 registers and maintains the entity's registration with the lieutenant governor, in
 1957 accordance with Section 67-1a-15.
- 1958 (8)(a) Except as otherwise provided by law, the state auditor may not withhold funds
 1959 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received
 1960 formal written notice of noncompliance from the auditor and has been given 60 days
 1961 to make the specified corrections.
- 1962 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
 1963 fee-assessing unit that exclusively assesses fees has not made corrections to comply
 1964 with state laws and procedures in the budgeting, expenditures, and financial reporting
 1965 of public funds, the state auditor:
- 1966 (i) shall provide a recommended timeline for corrective actions;

- 1967 (ii) may prohibit the state or local fee-assessing unit from accessing money held by
1968 the state; and
- 1969 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
1970 account of a financial institution by filing an action in a court with jurisdiction
1971 under Title 78A, Judiciary and Judicial Administration, requesting an order of the
1972 court to prohibit a financial institution from providing the fee-assessing unit
1973 access to an account.
- 1974 (c) The state auditor shall remove a limitation on accessing funds under Subsection (8)(b)
1975 upon compliance with state laws and procedures in the budgeting, expenditures, and
1976 financial reporting of public funds.
- 1977 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
1978 state law, the state auditor:
- 1979 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
1980 comply;
- 1981 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
1982 state; and
- 1983 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
1984 account of a financial institution by:
- 1985 (A) contacting the taxing or fee-assessing unit's financial institution and
1986 requesting that the institution prohibit access to the account; or
- 1987 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
1988 Judicial Administration, requesting an order of the court to prohibit a financial
1989 institution from providing the taxing or fee-assessing unit access to an account.
- 1990 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state law,
1991 the state auditor shall eliminate a limitation on accessing funds described in
1992 Subsection (8)(d).
- 1993 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
1994 received formal written notice of noncompliance from the auditor and has been given 60
1995 days to make the specified corrections.
- 1996 (10)(a) The state auditor may not withhold funds under Subsection (7)(i) until the state
1997 auditor receives a notice of non-registration, as that term is defined in Section
1998 67-1a-15.
- 1999 (b) If the state auditor receives a notice of non-registration, the state auditor may
2000 prohibit the local government entity or limited purpose entity, as those terms are

- 2001 defined in Section 67-1a-15, from accessing:
- 2002 (i) money held by the state; and
- 2003 (ii) money held in an account of a financial institution by:
- 2004 (A) contacting the entity's financial institution and requesting that the institution
- 2005 prohibit access to the account; or
- 2006 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
- 2007 Judicial Administration, requesting an order of the court to prohibit a financial
- 2008 institution from providing the entity access to an account.
- 2009 (c) The state auditor shall remove the prohibition on accessing funds described in
- 2010 Subsection (10)(b) if the state auditor received a notice of registration, as that term is
- 2011 defined in Section 67-1a-15, from the lieutenant governor.
- 2012 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the state
- 2013 auditor:
- 2014 (a) shall authorize a disbursement by a local government entity or limited purpose entity,
- 2015 as those terms are defined in Section 67-1a-15, or a state or local taxing or
- 2016 fee-assessing unit if the disbursement is necessary to:
- 2017 (i) avoid a major disruption in the operations of the local government entity, limited
- 2018 purpose entity, or state or local taxing or fee-assessing unit; or
- 2019 (ii) meet debt service obligations; and
- 2020 (b) may authorize a disbursement by a local government entity, limited purpose entity,
- 2021 or state or local taxing or fee-assessing unit as the state auditor determines is
- 2022 appropriate.
- 2023 (12)(a) The state auditor may seek relief under the Utah Rules of Civil Procedure to take
- 2024 temporary custody of public funds if an action is necessary to protect public funds
- 2025 from being improperly diverted from their intended public purpose.
- 2026 (b) If the state auditor seeks relief under Subsection (12)(a):
- 2027 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);
- 2028 and
- 2029 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if
- 2030 a court orders the public funds to be protected from improper diversion from their
- 2031 public purpose.
- 2032 (13) The state auditor shall:
- 2033 (a) establish audit guidelines and procedures for audits of local mental health and
- 2034 substance abuse authorities and their contract providers, conducted pursuant to Title

2035 17, Chapter 77, Local Health and Human Services, Title 26B, Chapter 5, Health Care
2036 - Substance Use and Mental Health, and Title 51, Chapter 2a, Accounting Reports
2037 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
2038 and

- 2039 (b) ensure that those guidelines and procedures provide assurances to the state that:
- 2040 (i) state and federal funds appropriated to local mental health authorities are used for
2041 mental health purposes;
- 2042 (ii) a private provider under an annual or otherwise ongoing contract to provide
2043 comprehensive mental health programs or services for a local mental health
2044 authority is in compliance with state and local contract requirements and state and
2045 federal law;
- 2046 (iii) state and federal funds appropriated to local substance abuse authorities are used
2047 for substance abuse programs and services; and
- 2048 (iv) a private provider under an annual or otherwise ongoing contract to provide
2049 comprehensive substance abuse programs or services for a local substance abuse
2050 authority is in compliance with state and local contract requirements, and state and
2051 federal law.

2052 (14)(a) The state auditor may, in accordance with the auditor's responsibilities for
2053 political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting
2054 Reports from Political Subdivisions, Interlocal Organizations, and Other Local
2055 Entities Act, initiate audits or investigations of any political subdivision that are
2056 necessary to determine honesty and integrity in fiscal affairs, accuracy and reliability
2057 of financial statements, effectiveness, and adequacy of financial controls and
2058 compliance with the law.

2059 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the
2060 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor
2061 may initiate an audit or investigation of the public entity subject to the notice to
2062 determine compliance with Section 11-41-103.

2063 (15)(a) The state auditor may not audit work that the state auditor performed before
2064 becoming state auditor.

- 2065 (b) If the state auditor has previously been a responsible official in state government
2066 whose work has not yet been audited, the Legislature shall:
- 2067 (i) designate how that work shall be audited; and
- 2068 (ii) provide additional funding for those audits, if necessary.

- 2069 (16) The state auditor shall:
- 2070 (a) with the assistance, advice, and recommendations of an advisory committee
- 2071 appointed by the state auditor from among special district boards of trustees, officers,
- 2072 and employees and special service district boards, officers, and employees:
- 2073 (i) prepare a Uniform Accounting Manual for Special Districts that:
- 2074 (A) prescribes a uniform system of accounting and uniform budgeting and
- 2075 reporting procedures for special districts under Title 17B, Limited Purpose
- 2076 Local Government Entities - Special Districts, and special service districts
- 2077 under Title 17D, Chapter 1, Special Service District Act;
- 2078 (B) conforms with generally accepted accounting principles; and
- 2079 (C) prescribes reasonable exceptions and modifications for smaller districts to the
- 2080 uniform system of accounting, budgeting, and reporting;
- 2081 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to
- 2082 reflect generally accepted accounting principles;
- 2083 (iii) conduct a continuing review and modification of procedures in order to improve
- 2084 them;
- 2085 (iv) prepare and supply each district with suitable budget and reporting forms; and
- 2086 (v)(A) prepare instructional materials, conduct training programs, and render other
- 2087 services considered necessary to assist special districts and special service
- 2088 districts in implementing the uniform accounting, budgeting, and reporting
- 2089 procedures; and
- 2090 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with
- 2091 Title 63G, Chapter 22, State Training and Certification Requirements; and
- 2092 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
- 2093 and experiences of specific special districts and special service districts selected by
- 2094 the state auditor and make the information available to all districts.
- 2095 (17)(a) The following records in the custody or control of the state auditor are protected
- 2096 records under Title 63G, Chapter 2, Government Records Access and Management
- 2097 Act:
- 2098 (i) records that would disclose information relating to allegations of personal
- 2099 misconduct, gross mismanagement, or illegal activity of a past or present
- 2100 governmental employee if the information or allegation cannot be corroborated by
- 2101 the state auditor through other documents or evidence, and the records relating to
- 2102 the allegation are not relied upon by the state auditor in preparing a final audit

- 2103 report;
- 2104 (ii) records and audit workpapers to the extent the workpapers would disclose the
2105 identity of an individual who during the course of an audit, communicated the
2106 existence of any waste of public funds, property, or manpower, or a violation or
2107 suspected violation of a law, rule, or regulation adopted under the laws of this
2108 state, a political subdivision of the state, or any recognized entity of the United
2109 States, if the information was disclosed on the condition that the identity of the
2110 individual be protected;
- 2111 (iii) before an audit is completed and the final audit report is released, records or
2112 drafts circulated to an individual who is not an employee or head of a
2113 governmental entity for the individual's response or information;
- 2114 (iv) records that would disclose an outline or part of any audit survey plans or audit
2115 program; and
- 2116 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 2117 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure
2118 of records or information that relate to a violation of the law by a governmental entity
2119 or employee to a government prosecutor or peace officer.
- 2120 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to
2121 the state auditor to classify a document as public, private, controlled, or protected
2122 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 2123 (d)(i) As used in this Subsection (17)(d), "record dispute" means a dispute between
2124 the state auditor and the subject of an audit performed by the state auditor as to
2125 whether the state auditor may release a record, as defined in Section 63G-2-103,
2126 to the public that the state auditor gained access to in the course of the state
2127 auditor's audit but which the subject of the audit claims is not subject to disclosure
2128 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 2129 (ii) The state auditor may submit a record dispute to the director of the Government
2130 Records Office, created in Section 63A-12-202, for a determination of whether the
2131 state auditor may, in conjunction with the state auditor's release of an audit report,
2132 release to the public the record that is the subject of the record dispute.
- 2133 (iii) The state auditor or the subject of the audit may seek judicial review of the
2134 director's determination, described in Subsection (17)(d)(ii), as provided in
2135 Section 63G-2-404.
- 2136 (18) If the state auditor conducts an audit of an entity that the state auditor has previously

2137 audited and finds that the entity has not implemented a recommendation made by the
2138 state auditor in a previous audit, the state auditor shall notify the Legislative
2139 Management Committee through the Legislative Management Committee's Audit
2140 Subcommittee that the entity has not implemented that recommendation.

2141 ~~[(19) The state auditor shall, with the advice and consent of the Senate, appoint the state~~
2142 ~~privacy auditor described in Section 67-3-13.]~~

2143 ~~[(20)]~~ (19) Except as provided in Subsection ~~[(21)]~~ (20), the state auditor shall report, or
2144 ensure that another government entity reports, on the financial, operational, and
2145 performance metrics for the state system of higher education and the state system of
2146 public education, including metrics in relation to students, programs, and schools within
2147 those systems.

2148 ~~[(21)]~~ (20)(a) Notwithstanding Subsection ~~[(20)]~~ (19), the state auditor shall conduct
2149 regular audits of:

- 2150 (i) the scholarship granting organization for the Carson Smith Opportunity
2151 Scholarship Program, created in Section 53E-7-402;
- 2152 (ii) the State Board of Education for the Carson Smith Scholarship Program, created
2153 in Section 53F-4-302; and
- 2154 (iii) the scholarship program manager for the Utah Fits All Scholarship Program,
2155 created in Section 53F-6-402, including an analysis of the cost effectiveness of the
2156 program, taking into consideration the amount of the scholarship and the amount
2157 of state and local funds dedicated on a per-student basis within the traditional
2158 public education system.

2159 (b) Nothing in this subsection limits or impairs the authority of the State Board of
2160 Education to administer the programs described in Subsection ~~[(21)(a)]~~ (20)(a).

2161 ~~[(22)]~~ (21) The state auditor shall, based on the information posted by the Office of
2162 Legislative Research and General Counsel under Subsection 36-12-12.1(2), for each
2163 policy, track and post the following information on the state auditor's website:

- 2164 (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);
- 2165 (b) an indication regarding whether the policy is timely adopted, adopted late, or not
2166 adopted;
- 2167 (c) an indication regarding whether the policy complies with the requirements
2168 established by law for the policy; and
- 2169 (d) a link to the policy.

2170 ~~[(23)]~~ (22)(a) A legislator may request that the state auditor conduct an inquiry to

- 2171 determine whether a government entity, government official, or government
 2172 employee has complied with a legal obligation directly imposed, by statute, on the
 2173 government entity, government official, or government employee.
- 2174 (b) The state auditor may, upon receiving a request under Subsection [~~(23)~~(a)] (22)(a),
 2175 conduct the inquiry requested.
- 2176 (c) If the state auditor conducts the inquiry described in Subsection [~~(23)~~(b)] (22)(b), the
 2177 state auditor shall post the results of the inquiry on the state auditor's website.
- 2178 (d) The state auditor may limit the inquiry described in this Subsection [~~(23)~~] (22) to a
 2179 simple determination, without conducting an audit, regarding whether the obligation
 2180 was fulfilled.
- 2181 [~~(24)~~] (23) The state auditor shall:
- 2182 (a) ensure compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in
 2183 accordance with Section 63G-31-401; and
- 2184 (b) report to the Legislative Management Committee, upon request, regarding the state
 2185 auditor's actions under this Subsection [~~(24)~~] (23).
- 2186 [~~(25)~~] (24) The state auditor shall report compliance with Sections 67-27-107, 67-27-108,
 2187 and 67-27-109 by:
- 2188 (a) establishing a process to receive and audit each alleged violation; and
- 2189 (b) reporting to the Legislative Management Committee, upon request, regarding the
 2190 state auditor's findings and recommendations under this Subsection [~~(25)~~] (24).
- 2191 [~~(26)~~] (25) The state auditor shall ensure compliance with Section 63G-1-704 regarding the
 2192 display of flags in or on government property.
- 2193 [~~(27)~~] (26)(a) On or before January 31 each year, the state auditor shall prepare a report
 2194 that states, for each entity that holds public funds as defined in Section 51-7-3, the
 2195 entity's total balance, as of the last day of the immediately preceding fiscal year, of
 2196 cash, cash equivalents, and investments, as those terms are defined under the
 2197 standards established by the Governmental Accounting Standards Board.
- 2198 (b) The state auditor shall make the report described in Subsection [~~(27)(a)~~] (26)(a)
 2199 publicly available on a website that the state auditor maintains.
- 2200 (27) The state auditor may audit the privacy practices of governmental entities.
- 2201 Section 31. Section **67-3-13** is amended to read:
- 2202 **67-3-13 . State auditor data privacy responsibilities.**
- 2203 (1) As used in this section:
- 2204 (a) "Governmental entity" means the same as that term is defined in Section 63G-2-103.

- 2205 (b) "Personal data" means the same as that term is defined in Section 63A-19-101.
- 2206 (c) "Privacy practice" means the same as that term is defined in Section 63A-19-101.
- 2207 (d) "State agency" means the same as that term is defined in Section 63A-19-101.
- 2208 ~~[(e) "State privacy auditor" means the individual appointed as state privacy auditor by~~
- 2209 ~~the state auditor under Section 67-3-1.]~~
- 2210 (2) The state ~~[privacy-]auditor~~ shall:
- 2211 (a) compile information about the privacy practices of governmental entities;
- 2212 (b) make public and maintain information about the privacy practices of governmental
- 2213 entities on the state auditor's website;
- 2214 (c) provide governmental entities with guidance and training regarding the data privacy
- 2215 auditing standards developed by the state ~~[privacy-]auditor~~;
- 2216 (d) implement a process to analyze and respond to requests from individuals for the state [~~privacy-]auditor~~
- 2217 ~~to audit a governmental entity's privacy practice;~~
- 2218 (e) identify annually which governmental entities' privacy practices pose the greatest
- 2219 risk to individual privacy and prioritize those privacy practices to be audited;
- 2220 (f) audit each year, in as timely a manner as possible, the privacy practices that the state [~~privacy-]auditor~~
- 2221 ~~identifies under Subsection (2)(d) or (2)(e) as posing the greatest risk~~
- 2222 ~~to individuals' privacy;~~
- 2223 (g) when auditing a governmental entity's privacy practice under Subsection (2)(f),
- 2224 analyze:
- 2225 (i) details about the technology or the policy and the technology's or the policy's
- 2226 application;
- 2227 (ii) information about the type of personal data being used;
- 2228 (iii) information about how the personal data is obtained, stored, shared, secured, and
- 2229 disposed;
- 2230 (iv) information about the governmental entity's sharing or selling of personal data;
- 2231 (v) information about whether an individual can or should be able to opt out of the
- 2232 retention, selling, and sharing of the individual's personal data;
- 2233 (vi) information about how the governmental entity de-identifies or anonymizes
- 2234 personal data;
- 2235 (vii) a determination about the existence of alternative technology or improved
- 2236 practices to protect privacy; and
- 2237 (viii) a finding of whether the governmental entity's current privacy practices
- 2238 adequately protect individual privacy; and

- 2239 (h) after completing an audit described in Subsections (2)(f) and (g), determine:
- 2240 (i) each governmental entity's use of personal data, including the governmental
- 2241 entity's privacy practices regarding personal data:
- 2242 (A) acquisition;
- 2243 (B) storage;
- 2244 (C) disposal;
- 2245 (D) protection; and
- 2246 (E) sharing;
- 2247 (ii) the adequacy of the governmental entity's practices in each of the areas described
- 2248 in Subsection (2)(h)(i); and
- 2249 (iii) for each of the areas described in Subsection (2)(h)(i) that the state [~~privacy~~]
- 2250 auditor determines to require reform, provide recommendations for reform to the
- 2251 governmental entity and the legislative body charged with regulating the
- 2252 governmental entity.
- 2253 (3)(a) The legislative body charged with regulating a governmental entity that receives a
- 2254 recommendation described in Subsection (2)(h)(iii) shall hold a public hearing on the
- 2255 proposed reforms:
- 2256 (i) with a quorum of the legislative body present; and
- 2257 (ii) within 90 days after the day on which the legislative body receives the
- 2258 recommendation.
- 2259 (b)(i) The legislative body shall provide notice of the hearing described in Subsection
- 2260 (3)(a).
- 2261 (ii) Notice of the public hearing and the recommendations to be discussed shall be
- 2262 posted for the jurisdiction of the governmental entity, as a class A notice under
- 2263 Section 63G-30-102, for at least 30 days before the day on which the legislative
- 2264 body will hold the public hearing.
- 2265 (iii) Each notice required under Subsection (3)(b)(i) shall:
- 2266 (A) identify the recommendations to be discussed; and
- 2267 (B) state the date, time, and location of the public hearing.
- 2268 (c) During the hearing described in Subsection (3)(a), the legislative body shall:
- 2269 (i) provide the public the opportunity to ask questions and obtain further information
- 2270 about the recommendations; and
- 2271 (ii) provide any interested person an opportunity to address the legislative body with
- 2272 concerns about the recommendations.

2273 (d) At the conclusion of the hearing, the legislative body shall determine whether the
2274 legislative body shall adopt reforms to address the recommendations and any
2275 concerns raised during the public hearing.

2276 (4) Subsection (3) does not apply to:

2277 (a) a state agency;

2278 (b) the legislative branch;

2279 (c) the judicial branch;

2280 (d) an executive branch agency within the Office of the Attorney General, the state
2281 auditor, the state treasurer, or the State Board of Education; or

2282 (e) an independent entity.

2283 (5) The state [~~privacy~~]auditor shall:

2284 (a) quarterly report, to the Utah Privacy Commission:

2285 (i) recommendations for privacy practices for the commission to review; and

2286 (ii) the information provided in Subsection (2)(h); and

2287 (b) annually, on or before October 1, report to the Judiciary Interim Committee:

2288 (i) the results of any audits described in Subsection (2)(f), if any audits have been
2289 completed;

2290 (ii) reforms, to the extent that the state [~~privacy~~]auditor is aware of any reforms, that
2291 the governmental entity made in response to any audits described in Subsection
2292 (2)(f);

2293 (iii) the information described in Subsection (2)(h); and

2294 (iv) recommendations for legislation based on any results of an audit described in
2295 Subsection (2)(f).

2296 Section 32. **Effective Date.**

2297 This bill takes effect on May 6, 2026.