

Wayne A. Harper proposes the following substitute bill:

Privacy and Cybersecurity Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill modifies provisions related to the Utah Cyber Center.

Highlighted Provisions:

This bill:

- adds the Department of Environmental Quality as an entity that the Utah Cyber Center will collaborate with when performing legislative duties;
- modifies the deadline for developing a statewide strategic cybersecurity plan;
- expands the Utah Cyber Center's duties to include local education agencies;
- modifies the composition of the Cybersecurity Commission to include a representative from the Utah Education and Telehealth Network;
- creates the Utah Cyber Center Restricted Account (account) and makes appropriations from the account nonlapsing; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-16-1101 (Effective 05/06/26), as enacted by Laws of Utah 2024, Chapter 426

63A-16-1102 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

63A-16-1103 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2024, Chapter 426

63C-27-201 (Effective 05/06/26) (Repealed 07/01/32), as enacted by Laws of Utah 2022,

Chapter 153

63J-1-602.1 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

ENACTS:

63A-16-1104 (Effective 05/06/26), Utah Code Annotated 1953

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

Section 1. Section **63A-16-1101** is amended to read:

63A-16-1101 (Effective 05/06/26). Definitions.

As used in this part:

- (1) "Cyber Center" means the Utah Cyber Center created in Section 63A-16-1102.
- (2) "Data breach" means the unauthorized access, acquisition, disclosure, loss of access, or destruction of:
 - (a) personal data affecting 500 or more individuals; or
 - (b) data that compromises the security, confidentiality, availability, or integrity of the computer systems used or information maintained by the governmental entity.
- (3) "Governmental entity" means the same as that term is defined in Section 63G-2-103.
- (4) "Local education agency" means the same as that term is defined in Section 53E-1-102.
- ~~[(4)]~~ (5) "Personal data" means information that is linked or can be reasonably linked to an identified individual or an identifiable individual.

Section 2. Section **63A-16-1102** is amended to read:

63A-16-1102 (Effective 05/06/26). Utah Cyber Center -- Creation -- Duties.

- (1)(a) There is created within the division the Utah Cyber Center.
- (b) The chief information security officer appointed under Section 63A-16-210 shall serve as the director of the Cyber Center.
- (2) The division shall operate the Cyber Center in partnership with the following entities within the Department of Public Safety created in Section 53-1-103:
 - (a) the Statewide Information and Analysis Center;
 - (b) the State Bureau of Investigation created in Section 53-10-301; and
 - (c) the Division of Emergency Management created in Section 53-2a-103.
- (3) In addition to the entities described in Subsection ~~[(3)]~~ (2), the Cyber Center shall collaborate with:
 - (a) the Cybersecurity Commission created in Section 63C-27-201;
 - (b) the Office of the Attorney General;

- (c) the Utah Education and Telehealth Network created in Section 53H-4-213.4;
- (d) the Department of Environmental Quality created in Section 19-1-104;
- (e) appropriate federal partners, including the Federal Bureau of Investigation and the Cybersecurity and Infrastructure Security Agency;
- ~~[(e)]~~ (f) appropriate information sharing and analysis centers;
- ~~[(f)]~~ (g) information technology directors, cybersecurity professionals, or equivalent individuals representing political subdivisions in the state; and
- ~~[(g)]~~ (h) any other person the division believes is necessary to carry out the duties described in Subsection (4).

(4) The Cyber Center shall, within legislative appropriations:

- (a) by ~~[June 30, 2024]~~ January 1, 2027, develop a statewide strategic cybersecurity plan for governmental entities;
- (b) with respect to executive branch agencies and local education agencies:
- (i) identify, analyze, and, when appropriate, mitigate cyber threats and vulnerabilities;
- (ii) coordinate cybersecurity resilience planning;
- (iii) provide cybersecurity incident response capabilities; and
- (iv) recommend to the division standards, policies, or procedures to increase the cyber resilience of executive branch agencies individually or collectively;
- (c) at the request of a governmental entity or local education agency, coordinate cybersecurity incident response for a data breach affecting the governmental entity or local education agency in accordance with Section 63A-19-405;
- (d) promote cybersecurity standards and best practices for governmental entities and local education agencies;
- (e) share cyber threat intelligence with governmental entities and, through the Statewide Information and Analysis Center, with other public and private sector organizations;
- (f) serve as the state cybersecurity incident response repository to receive reports of breaches of system security, including notification or disclosure under Section 13-44-202 and data breaches under Section 63A-16-1103;
- (g) develop incident response plans to coordinate federal, state, local, and private sector activities and manage the risks associated with an attack or malfunction of critical information technology systems within the state;
- (h) coordinate, develop, and share best practices for cybersecurity resilience in the state;
- (i) identify sources of funding to make cybersecurity improvements throughout the state;
- (j) develop a sharing platform to provide resources based on information,

- 97 recommendations, and best practices; and
- 98 (k) partner with institutions of higher education and other public and private sector
- 99 organizations to increase the state's cyber resilience.

100 Section 3. Section **63A-16-1103** is amended to read:

101 **63A-16-1103 (Effective 05/06/26). Assistance to governmental entities and local**

102 **education agencies -- Records.**

- 103 (1) The Cyber Center shall provide a governmental entity or local education agency with
- 104 assistance in responding to a data breach reported under Section 63A-19-405, which
- 105 may include:
- 106 (a) conducting all or part of an internal investigation into the data breach;
- 107 (b) assisting law enforcement with the law enforcement investigation if needed;
- 108 (c) determining the scope of the data breach;
- 109 (d) assisting the governmental entity in restoring the reasonable integrity of the system;
- 110 or
- 111 (e) providing any other assistance in response to the reported data breach.
- 112 (2)(a) A governmental entity that is required to submit information under Section
- 113 63A-19-405 shall provide records to the Cyber Center as a shared record in
- 114 accordance with Section 63G-2-206.
- 115 (b) The following information may be deemed confidential and may only be shared as
- 116 provided in Section 63G-2-206:
- 117 (i) the information provided to the Cyber Center by a governmental entity under
- 118 Section 63A-19-405; and
- 119 (ii) information produced by the Cyber Center in response to a report of a data breach
- 120 under Subsection (1).

121 Section 4. Section **63A-16-1104** is enacted to read:

122 **63A-16-1104 (Effective 05/06/26). Utah Cyber Center Restricted Account --**

123 **Creation -- Funding -- Uses.**

- 124 (1) There is created within the General Fund a restricted account known as the "Utah Cyber
- 125 Center Restricted Account."
- 126 (2) The restricted account consists of:
- 127 (a) appropriations made to the account by the Legislature;
- 128 (b) federal grant funding;
- 129 (c) private donations, grants, gifts, or bequests; and
- 130 (d) interest earned on the account.

- (3) The Cyber Center shall administer the account.
- (4) Subject to appropriations, the Cyber Center shall use restricted account money for:
- (a) developing and implementing the statewide strategic cybersecurity plan;
 - (b) providing cybersecurity tools, services, and incident response capabilities to governmental entities and local education agencies;
 - (c) conducting cybersecurity assessments and audits for governmental entities and local education agencies;
 - (d) providing cybersecurity training and awareness programs;
 - (e) acquiring and maintaining cybersecurity technology and infrastructure;
 - (f) supporting cyber threat intelligence sharing activities; and
 - (g) any other activities necessary to carry out the duties described in Section 63A-16-1102.
- (5) The interest earned on account money shall be deposited into the account.

Section 5. Section **63C-27-201** is amended to read:

63C-27-201 (Effective 05/06/26) (Repealed 07/01/32). Cybersecurity Commission created.

- (1) There is created the Cybersecurity Commission.
- (2) The commission shall be composed [~~of 24~~] of the following members:
- (a) one member the governor designates to serve as the governor's designee;
 - (b) the commissioner of the Department of Public Safety;
 - (c) the lieutenant governor, or an election officer, as that term is defined in Section 20A-1-102, the lieutenant governor designates to serve as the lieutenant governor's designee;
 - (d) the chief information officer of the Division of Technology Services;
 - (e) the chief information security officer, as described in Section 63A-16-210;
 - (f) the chairman of the Public Service Commission shall designate a representative with professional experience in information technology or cybersecurity;
 - (g) the executive director of the [~~Utah~~]Department of Transportation shall designate a representative with professional experience in information technology or cybersecurity;
 - (h) the director of the Division of Finance shall designate a representative with professional experience in information technology or cybersecurity;
 - (i) the executive director of the Department of Health and Human Services shall designate a representative with professional experience in information technology or

- 165 cybersecurity;
- 166 (j) the director of the Division of Indian Affairs shall designate a representative with
- 167 professional experience in information technology or cybersecurity;
- 168 (k) the Utah League of Cities and Towns shall designate a representative with
- 169 professional experience in information technology or cybersecurity;
- 170 (l) the Utah Association of Counties shall designate a representative with professional
- 171 experience in information technology or cybersecurity;
- 172 (m) the attorney general, or the attorney general's designee;
- 173 (n) the commissioner of financial institutions, or the commissioner's designee;
- 174 (o) the executive director of the Department of Environmental Quality shall designate a
- 175 representative with professional experience in information technology or
- 176 cybersecurity;
- 177 (p) the executive director of the Department of Natural Resources shall designate a
- 178 representative with professional experience in information technology or
- 179 cybersecurity;
- 180 (q) the highest ranking information technology official, or the official's designee, from
- 181 each of:
- 182 (i) the Judicial Council;
- 183 (ii) the Utah Board of Higher Education;
- 184 (iii) the State Board of Education;
- 185 (iv) the Utah Education and Telehealth Network; and
- 186 ~~[(iv)]~~ (v) the State Tax Commission;
- 187 (r) the governor shall appoint:
- 188 (i) one representative from the Utah National Guard; and
- 189 (ii) one representative from the Governor's Office of Economic Opportunity;
- 190 (s) the president of the Senate shall appoint one member of the Senate; and
- 191 (t) the speaker of the House of Representatives shall appoint one member of the House
- 192 of Representatives.
- 193 (3)(a) The governor's designee shall serve as cochair of the commission.
- 194 (b) The commissioner of the Department of Public Safety shall serve as cochair of the
- 195 commission.
- 196 (4)(a) The members described in Subsection (2) shall represent urban, rural, and
- 197 suburban population areas.
- 198 (b) No fewer than half of the members described in Subsection (2) shall have

professional experience in cybersecurity or in information technology.

(5) In addition to the membership described in Subsection (2), the commission shall seek information and advice from state and private entities with expertise in critical infrastructure.

(6) As necessary to improve information and protect potential vulnerabilities, the commission shall seek information and advice from federal entities including:

(a) the Cybersecurity and Infrastructure Security Agency;

(b) the Federal Energy Regulatory Commission;

(c) the Federal Bureau of Investigation; and

(d) the United States Department of Transportation.

(7)(a) Except as provided in Subsections (7)(b) and (c), a member is appointed for a term of four years.

(b) A member shall serve until the member's successor is appointed and qualified.

(c) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission members appointed under Subsection (2)(r) are appointed every two years.

(8)(a) If a vacancy occurs in the membership of the commission, the member shall be replaced in the same manner in which the original appointment was made.

(b) An individual may be appointed to more than one term.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

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

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

(10) The commission shall meet at least two times a year.

Section 6. Section **63J-1-602.1** is amended to read:

63J-1-602.1 (Effective 05/06/26). List of nonlapsing appropriations from accounts and funds.

Appropriations made from the following accounts or funds are nonlapsing:

(1) The Native American Repatriation Restricted Account created in Section 9-9-407.

(2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.

(3) Funds collected for directing and administering the C-PACE district created in Section

- 233 11-42a-106.
- 234 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
- 235 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
- 236 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section
- 237 19-2a-106.
- 238 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
- 239 Section 19-5-126.
- 240 (8) State funds for matching federal funds in the Children's Health Insurance Program as
- 241 provided in Section 26B-3-906.
- 242 (9) Funds collected from the program fund for local health department expenses incurred in
- 243 responding to a local health emergency under Section 26B-7-111.
- 244 (10) The Technology Development Restricted Account created in Section 31A-3-104.
- 245 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- 246 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the
- 247 extent that Section 31A-3-304 makes the money received under that section free revenue.
- 248 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- 249 (14) The Health Insurance Actuarial Review Restricted Account created in Section
- 250 31A-30-115.
- 251 (15) The State Mandated Insurer Payments Restricted Account created in Section
- 252 31A-30-118.
- 253 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 254 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
- 255 Account created in Section 32B-2-306.
- 256 (18) The School Readiness Restricted Account created in Section 35A-15-203.
- 257 (19) Money received by the Utah State Office of Rehabilitation for the sale of certain
- 258 products or services, as provided in Section 35A-13-202.
- 259 (20) The Property Loss Related to Homelessness Compensation Enterprise Fund created in
- 260 Section 35A-16-212.
- 261 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section
- 262 35A-16-402.
- 263 (22) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 264 (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 265 (24) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.
- 266 (25) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the

Motor Vehicle Division.

- (26) The License Plate Restricted Account created by Section 41-1a-122.
- (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.
- (28) The State Disaster Recovery Restricted Account to the Division of Emergency Management, as provided in Section 53-2a-603.
- (29) The Disaster Response, Recovery, and Mitigation Restricted Account created in Section 53-2a-1302.
- (30) The Emergency Medical Services Critical Needs Account created in Section 53-2d-110.
- (31) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.
- (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- (33) The DNA Specimen Restricted Account created in Section 53-10-407.
- (34) The Technical Colleges Capital Projects Fund created in Section 53H-9-605.
- (35) The Higher Education Capital Projects Fund created in Section 53H-9-502.
- (36) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- (37) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).
- (38) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-3a-105.
- (39) Certain fines collected by the Division of Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.
- (40) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-22-104.
- (41) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-55-106.
- (42) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-56-3.5.
- (43) Certain fines collected by the Division of Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.
- (44) The Relative Value Study Restricted Account created in Section 59-9-105.

- (45) The Cigarette Tax Restricted Account created in Section 59-14-204.
- (46) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.
- (47) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.
- (48) Certain funds donated to the Department of Health and Human Services, as provided in Section 26B-1-202.
- (49) Certain funds donated to the Division of Child and Family Services, as provided in Section 80-2-404.
- (50) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- (51) The Immigration Act Restricted Account created in Section 63G-12-103.
- (52) Money received by the military installation development authority, as provided in Section 63H-1-504.
- (53) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.
- (54) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.
- (55) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
- (56) The Motion Picture Incentive Account created in Section 63N-8-103.
- (57) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).
- (58) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.
- (59) The following funds or accounts created in Section 72-2-124:
- (a) Transportation Investment Fund of 2005;
 - (b) Transit Transportation Investment Fund;
 - (c) Cottonwood Canyons Transportation Investment Fund;
 - (d) Active Transportation Investment Fund; and
 - (e) Commuter Rail Subaccount.
- (60) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.
- (61) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.
- (62) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.

- 335 (63) Award money under the State Asset Forfeiture Grant Program, as provided under
336 Section 77-11b-403.
- 337 (64) Funds donated or paid to a juvenile court by private sources, as provided in Subsection
338 78A-6-203(1)(c).
- 339 (65) Fees for certificate of admission created under Section 78A-9-102.
- 340 (66) Funds collected for adoption document access as provided in Sections 81-13-103,
341 81-13-504, and 81-13-505.
- 342 (67) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah
343 Indigent Defense Commission.
- 344 (68) The Utah Geological Survey Restricted Account created in Section 79-3-403.
- 345 (69) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park,
346 and Green River State Park, as provided under Section 79-4-403.
- 347 (70) Certain funds received by the Division of State Parks from the sale or disposal of
348 buffalo, as provided under Section 79-4-1001.
- 349 (71) The Utah Cyber Center Restricted Account created in Section 63A-16-1104.
- 350 Section 7. **Effective Date.**
- 351 This bill takes effect on May 6, 2026.