

UTAH CONSUMER DATA PRIVACY ACT

Economic Development and Workforce Services
Interim Committee



Department of Commerce
Division of Consumer Protection

Strengthening trust in Utah's commercial activities by protecting consumers through education and impartial enforcement.



Department of Commerce
Division of Consumer Protection

Division of Consumer Protection

Scope of Jurisdiction (Utah Code §13-2-102)

Chapter 10a, Music Licensing Practices Act;

Chapter 11, Utah Consumer Sales Practices Act;

Chapter 15, Business Opportunity Disclosure Act;

Chapter 20, New Motor Vehicle Warranties Act;

Chapter 21, Credit Services Organizations Act;

Chapter 22, Charitable Solicitations Act;

Chapter 23, Fitness Center Services Protection Act;

Chapter 25a, Telephone and Facsimile Solicitation Act;

Chapter 26, Telephone Fraud Prevention Act;

Chapter 28, Prize Notices Regulation Act;

Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter

Transaction Information Act;

Chapter 34, Utah Postsecondary School and State Authorization Act;

Chapter 41, Price Controls During Emergencies Act;

Chapter 42, Uniform Debt Management Services Act;

Chapter 49, Immigration Consultants Registration Act;

Chapter 51, Transportation Network Company Registration Act;

Chapter 52, Residential Solar Energy Consumer Protection Act;

Chapter 53, Residential, Vocational and Life Skills Program Act;

Chapter 54, Ticket Website Sales Act;

Chapter 56, Ticket Transferability Act;

Chapter 57, Maintenance Funding Practices Act;

Chapter 61, Utah Consumer Privacy Act;

Chapter 64, Vehicle Value Protection Agreement Act;

Chapter 65, Utah Commercial Email Act;

Chapter 67, Online Dating Safety Act;

Chapter 68, Lawyer Referral Consultants Registration Act;

Chapter 70, Automatic Renewal Contracts Act;

Chapter 71, Utah Minor Protection in Social Media Act;

Chapter 72a, Artificial Intelligence Applications Relating to Mental Health;

Chapter 77, Generative Artificial Intelligence Consumer

Disclosures and Enforcement;

Chapter 78, Earned Wage Access Services Act;

Chapter 82, Feminine Hygiene Products;

Chapter 83, Virtual Currency Kiosk Regulation;

Chapter 86, Utah Digital Choice Act;

Title 76, Chapter 17, Part 3, Participating in a Pyramid Scheme

Title 78B, Chapter 3, Part 10, Liability for Publishers and Distributors of Material Harmful to Minors



Utah Consumer Privacy Act (UCPA)

Utah Code § 13-61-101

Statute's Application to Business

The UCPA applies to controllers and processors who either **conduct business in the state of Utah** or produce a product or service **targeted to consumers** who are residents of the state of Utah.

The business must also:

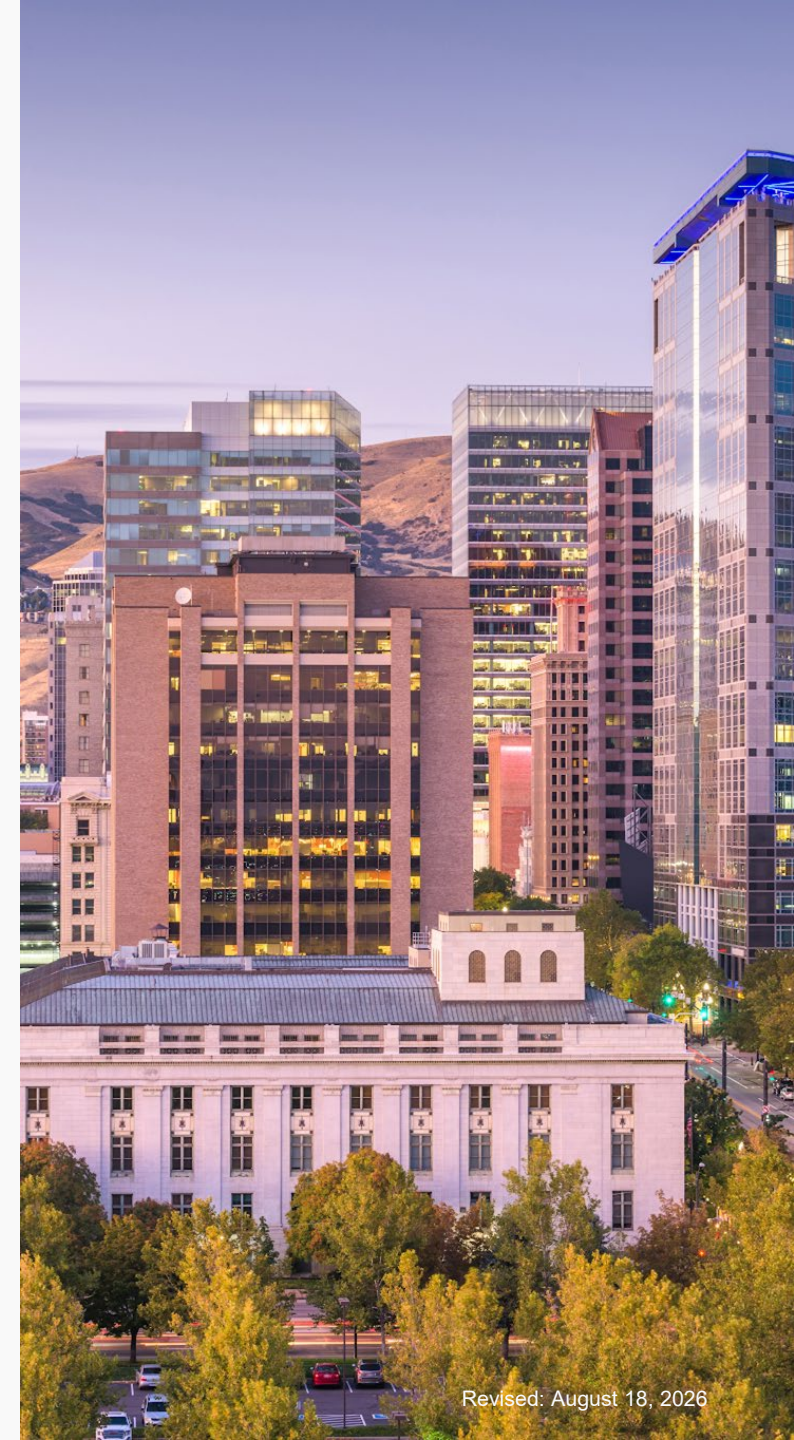
Have an **annual revenue $\geq$ to \$25M** and either:

- Control or process personal data of 100,000 or more consumers during a calendar year, *or*
- Derive more than 50% of their gross revenue from the sale of personal data *and*
- control or process personal data of 25,000 or more consumers.

Therefore: the statute does not apply to all controllers or processors.



Department of Commerce
Division of Consumer Protection



Revised: August 18, 2026

Key Definitions

“Personal data” means information that is linked or reasonably **linkable to an identified individual** or an identifiable individual.

"Personal data" does not include deidentified data, aggregated data, or publicly available information.

“Sensitive data” means

1. Personal data that reveals an individual's racial or ethnic origin, an individual's religious beliefs, an individual's sexual orientation; an individual's citizenship or immigration status; or information regarding an individual's medical history, ~~then~~ or physical health condition, or medical treatment or diagnosis by a healthcare professional;
2. The processing of genetic personal data or biometric data, if the processing is for the purpose of identifying a specific individual; or
3. **Specific geolocation data**

“Specific geolocation data” means information derived from technology, including global position system level latitude and longitude coordinates, ~~that directly identifies an individual's specific location,~~ **accurate within a radius of 1,750 feet or less.**



Requirements

Security Practices

Businesses are required to establish, implement, and maintain reasonable administrative, technical, and physical data security practices designed to:

- **Protect the confidentiality** and integrity of a consumer's personal data, and
- Reduce reasonably **foreseeable risks of harm** to consumers relating to the processing of their personal data



Requirements

Accessible Privacy Policy

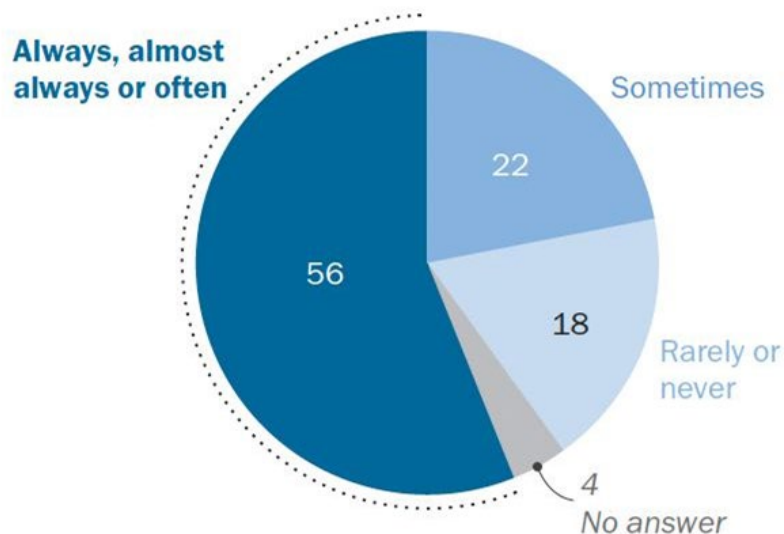
Provide consumers ~~reasonably~~ **accessible and clear** privacy notice that describes:

- Categories of personal data processed by the controller
- Purposes for which the categories of personal data are processed
- How a consumer may exercise their privacy rights
- Categories of personal data that the business shares with third parties, if any
- Categories of third parties, if any, with whom the business shares personal data



Nearly 6 in 10 Americans frequently skip reading privacy policies

% of U.S. adults who say they ___ agree to online privacy policies right away, without reading what the policies say



Note: Figures may not add up to 100% due to rounding. "No answer" includes those who did not give an answer or who do not use the internet.

Source: Survey of U.S. adults conducted May 15-21, 2023.

"How Americans View Data Privacy"

PEW RESEARCH CENTER

Privacy Policies

Clarity and Accessibility

- Many privacy policies are written at a college level, while the average reading level in the U.S. is notably lower.
- Use of legalistic and technical jargon in privacy policies may impede public accessibility.
- The average person struggles to understand most privacy policies.



Privacy Policy

Clarity and Accessibility

In-Car Apps & Services			CLICK CARDS TO LEARN MORE		
Mobile Apps	Remotely control + monitor this car Lexus & prior users may have access				
	TAKE STEPS TO SECURE YOUR VEHICLE				
Services	In-Car Wi-Fi	8 PLANS			
	Sirius XM	ONE-WAY			
	Android Auto	YES			
	Apple CarPlay	YES			
UNIQUE DOCUMENTS		WORDS			
10		75,274			
Main Privacy Policy			9,324	47 min	
Last updated: 6/27/2024			Reading Level: 16th Grade***		
Main TOS			7,936	40 min	
Last updated: 1/1/2020			Reading Level: 16th Grade***		
Vehicle Owners Privacy Policy			Same	Same	
Same as Main Privacy Policy			Reading Level: Same		
Vehicle Owners TOS			Same	Same	
Same as Main TOS			Reading Level: Same		
Connected Services/Telematics			13,983	70 min	
Privacy Policy					
Last updated: 09/08/2023			Reading Level: 15th Grade***		
Connected Services/Telematics TOS			8,805	44 min	
Last updated: 03/07/2023			Reading Level: 13th Grade***		
Sirius XM: Main Privacy Policy			10,006	55 min	
Last updated: 6/30/2023			Reading Level: 12th Grade***		
Sirius XM: Main TOS			3,843	19 min	
Last updated: 1/19/2018			Reading Level: 11th Grade***		
Android Auto: Main Privacy Policy			9,352	47 min	
Last updated: 10/4/2023			Reading Level: 8th Grade***		
Android Auto: Main TOS			3,492	17 min	
Last updated: 1/5/2022			Reading Level: 11th Grade***		
Apple CarPlay: Main Privacy Policy			4,059	20 min	
Last updated: 12/22/2022			Reading Level: 13th Grade***		
Apple CarPlay: Main TOS			3,404	17 min	
Last updated: 11/20/2019			Reading Level: 15th Grade***		

Data Privacy Report Vehicle Example

Main privacy policy and terms of service are at 16th grade reading level with read times over 40 minutes.

Not easily accessible, available only on website



Requirements

Consumer Right to Protect Personal Data

At the request of a consumer, a business must:

- Confirm whether they are processing a consumer's personal data
- Provide a copy of data collected
- Delete that data upon the request of the consumer
- Correct inaccuracies in the consumer's personal data
- Respond to the consumer's request within 45 days



Requirements

Opt-Out for Processing Personal Information

If a business **sells** a consumer's personal data or uses a consumer's personal data for **targeted advertising**, the privacy policy must inform the consumer about how a consumer may **opt out** of the:

- Sale of their personal data; *or*
- The processing of their personal data for targeted advertising.



Requirements

Opt-Out for Processing Sensitive Data

A business may not process a consumer's **sensitive data**, which includes **geolocation**, without **first** providing the consumer:

1. A clear notice the sensitive information is being collected, *and*
2. An opportunity to **opt out** of having their sensitive data processed



Recent Changes

Vehicle Data

Effective January 1, 2027, data capture by vehicles is subject to the UCPA **regardless of processor or controller size**

Vehicles with the model year 2029 or later **must provide in-vehicle access to:**

- View the categories of data collected
- View categories of personal data shared with third parties
- Opt out of the sale or processing of personal data for targeted advertising
- Delete readily accessible data

Access must also be allowed through **an app or website**, but only in addition to the in-car option



Additional Notes



The statute does not:

- Ban selling personal or sensitive data
- Require minimization for the collection, use, or retention of personal or sensitive data
- Limit the purpose or use for personal or sensitive data
- Limit sharing or selling of personal or sensitive data (opt-out)
- Provide a private right of action (*State enforcement*)



2025 Attorney General and Consumer Protection Report

Suggestion Highlights

- Clarify the right to delete all personal data, rather than just the data provided by the consumer
- Require a review of wholly automatic decision making that adversely affects the consumer
- Switch to an opt-in (rather than opt-out) for processing sensitive data, including geolocation
- Require that controllers state purpose limitations and practice data minimization
- Authorize universal opt-out mechanisms



A Report Evaluating the Utah Consumer Privacy Act By the Utah Attorney General and the Utah Division of Consumer Protection Submitted July 1, 2025



Attorney General Derek Brown (“Attorney General”) and the Division of Consumer Protection (“Division”) submit this report concerning the effectiveness of the Utah Consumer Privacy Act, Utah Code sections 13-61-101 to -404, (“UCPA” or “Act”) to the Business and Labor Interim Committee (“Committee”) of the Utah State Legislature.

Executive Summary

The UCPA was cutting edge in 2022 when it granted consumers specific privacy rights in their personal data. However, other states' privacy laws have been implemented, and there is now an opportunity for Utah law to be amended to achieve similar protections and benefits to Utah consumers and their privacy. Also, statutory changes could make the UCPA more effective and efficient to administer.

[Full report can be found here](#)



Department of Commerce
Division of Consumer Protection

THANK YOU



Department of Commerce
Division of Consumer Protection