

Effective 5/7/2025

Repealed 5/6/2026

63A-16-1202 State digital identity policy.

- (1) It is the policy of Utah that:
 - (a) each individual has a unique identity;
 - (b) the state does not establish an individual's identity;
 - (c) the state may, in certain circumstances, recognize and endorse an individual's identity;
 - (d) the state is obligated to respect an individual's privacy interest associated with the individual's identity;
 - (e) the state is the only governmental entity that may endorse an individual's digital identity for the purpose of establishing a state-endorsed digital identity;
 - (f) the state may only endorse an individual's digital identity if the state-endorsed digital identity program is expressly authorized by the Legislature;
 - (g) an individual whose digital identity has been endorsed by the state is entitled to:
 - (i) choose:
 - (A) how the individual discloses the individual's state-endorsed digital identity;
 - (B) to whom the individual discloses the individual's state-endorsed digital identity;
 - (C) which elements of the individual's state-endorsed digital identity to disclose;
 - (D) where the individual's state-endorsed digital identity is stored; and
 - (E) whether to use a state-endorsed digital identity or physical identity to prove the individual's identity;
 - (ii) allow a governmental entity or a person to use information related to the individual's use of the individual's state-endorsed digital identity for a purpose other than the primary purpose for which the governmental entity or person collected the information; and
 - (iii) have a guardian obtain or use a state-endorsed digital identity on the individual's behalf;
 - (h) a governmental entity or person that accepts a state-endorsed digital identity shall:
 - (i) collect, use, and retain an individual's state-endorsed digital identity in a secure manner; and
 - (ii) comply with the requirements of this part through technological means;
 - (i) a governmental entity may not:
 - (i) convey a material benefit upon an individual for using a state-endorsed digital identity instead of a physical identity; or
 - (ii) withhold services or benefits from an individual if the individual uses a physical identity or is otherwise unable to use a state-endorsed digital identity; and
 - (j) a governmental entity or a person may not require an individual to surrender the individual's mobile communication device to verify the individual's identity.
- (2) The state may not endorse an individual's digital identity unless:
 - (a) the state has verified an individual's identity before endorsement;
 - (b) the state-endorsed digital identity:
 - (i) incorporates state-of-the-art safeguards for protecting the individual's identity;
 - (ii) includes methods to establish authenticity;
 - (iii) is easy for an individual to adopt and use; and
 - (iv) is compatible with a wide variety of technological systems without sacrificing privacy or security;
 - (c) the state provides clear information to an individual regarding how the individual may:
 - (i) maintain and control the individual's state-endorsed digital identity;
 - (ii) use the individual's state-endorsed digital identity;
 - (iii) limit access to:
 - (A) the individual's state-endorsed digital identity; and

- (B) any elements of the individual's identity disclosed by the state-endorsed digital identity;
and
- (iv) obtain a new state-endorsed digital identity if the individual's state-endorsed digital identity is compromised;
- (d) the state ensures that when an individual uses a state-endorsed digital identity:
 - (i) any record of the individual's use:
 - (A) is only used for the primary purpose for which the individual disclosed the state-endorsed digital identity; and
 - (B) is not disclosed, shared, or compared by the governmental entity or person receiving the state-endorsed digital identity; and
 - (ii) the use is free from surveillance, visibility, tracking, or monitoring by any other governmental entity or person; and
- (e) the state-endorsed digital identity enables an individual to:
 - (i) selectively disclose elements of the individual's identity; and
 - (ii) verify that the individual's age satisfies an age requirement without revealing the individual's age or date of birth.
- (3) The state may only revoke or withdraw the state's endorsement of an individual's state-endorsed digital identity if:
 - (a) the state-endorsed digital identity has been compromised;
 - (b) the state's endorsement was:
 - (i) issued in error; or
 - (ii) based on fraudulent information; or
 - (c) the individual requests that the state revoke or withdraw the endorsement of the individual's state-endorsed digital identity.