

Chapter 2 Governmental Internet Information Privacy Act

63D-2-101 Title.

This chapter is known as the "Governmental Internet Information Privacy Act."

Enacted by Chapter 175, 2004 General Session

63D-2-102 Definitions.

As used in this chapter:

- (1)
 - (a) "Collect" means the gathering of personally identifiable information:
 - (i) from a user of a governmental website; or
 - (ii) about a user of the governmental website.
 - (b) "Collect" includes use of any identifying code linked to a user of a governmental website.
- (2) "Court website" means a website on the Internet that is operated by or on behalf of any court created in Title 78A, Chapter 1, Judiciary.
- (3) "Governmental entity" means:
 - (a) an executive branch agency as defined in Section 63A-16-102;
 - (b) the legislative branch;
 - (c) the judicial branch;
 - (d) the State Board of Education created in Section 20A-14-101.5;
 - (e) the Utah Board of Higher Education created in Section 53B-1-402;
 - (f) an institution of higher education as defined in Section 53B-1-102; and
 - (g) a political subdivision of the state:
 - (i) as defined in Section 17B-1-102; and
 - (ii) including a school district created under Section 53G-3-301 or 53G-3-302.
- (4)
 - (a) "Governmental website" means a website on the Internet that is operated by or on behalf of a governmental entity.
 - (b) "Governmental website" includes a court website.
- (5) "Governmental website operator" means a governmental entity or person acting on behalf of the governmental entity that:
 - (a) operates a governmental website; and
 - (b) collects or maintains personally identifiable information from or about a user of that website.
- (6) "Personally identifiable information" means information that identifies:
 - (a) a user by:
 - (i) name;
 - (ii) account number;
 - (iii) physical address;
 - (iv) email address;
 - (v) telephone number;
 - (vi) Social Security number;
 - (vii) credit card information; or
 - (viii) bank account information;
 - (b) a user as having requested or obtained specific materials or services from a governmental website;

- (c) Internet sites visited by a user; or
 - (d) any of the contents of a user's data-storage device.
- (7) "School" means a public or private elementary or secondary school.
- (8) "User" means a person who accesses a governmental website.

Amended by Chapter 426, 2024 General Session

63D-2-103 Collection of personally identifiable information.

- (1) A governmental entity may not collect personally identifiable information related to a user of the governmental entity's governmental website unless the governmental entity has taken reasonable steps to ensure that on the day on which the personally identifiable information is collected the governmental entity's governmental website complies with Subsection (2).
- (2) A governmental website shall contain a privacy policy statement that discloses:
- (a)
 - (i) the identity of the governmental website operator; and
 - (ii) how the governmental website operator may be contacted:
 - (A) by telephone; or
 - (B) electronically;
 - (b) the personally identifiable information collected by the governmental entity;
 - (c) a summary of how the personally identifiable information is used by:
 - (i) the governmental entity; or
 - (ii) the governmental website operator;
 - (d) the practices of the following related to disclosure of personally identifiable information collected:
 - (i) the governmental entity; or
 - (ii) the governmental website operator;
 - (e) the procedures, if any, by which a user of a governmental entity may request:
 - (i) access to the user's personally identifiable information; and
 - (ii) access to correct the user's personally identifiable information; and
 - (f) without compromising the integrity of the security measures, a general description of the security measures in place to protect a user's personally identifiable information from unintended disclosure.
- (3)
- (a) Personally identifiable information is not a classification of records under Title 63G, Chapter 2, Government Records Access and Management Act.
 - (b) Access to government records is governed by Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 382, 2008 General Session

63D-2-104 Posting certain information on a court website.

- (1) Except as provided in Subsections (2) and (3), a court website:
- (a) may not display personally identifiable information; and
 - (b) shall contain a conspicuous notice that includes a list of documents routinely posted on the court website.
- (2) This section does not prohibit access to any original document as provided by law.
- (3) This section does not apply to:

- (a) the Registry of Judgments created in Section 78B-5-201, if the Registry of Judgments complies with Subsection (3)(b);
- (b) remote access to a document through a network or system that:
 - (i) is secure; and
 - (ii) provides restricted access through security standards developed by the court, including a registration requirement under which a prospective user must provide the prospective user's:
 - (A) identity;
 - (B) business or residence address; and
 - (C) citizenship status;
- (c) postings related to legitimate law enforcement purposes;
- (d) postings of documents filed or recorded more than 100 years prior to the posting;
- (e) postings of:
 - (i) historical information;
 - (ii) genealogical information;
 - (iii) interpretive information about historic persons and events; or
 - (iv) educational information about historic persons and events; or
- (f) postings of information instructing a user how to contact a website operator, employee, or other representative of the court.

Amended by Chapter 3, 2008 General Session

63D-2-105 Use of authorized domain extensions for government websites.

- (1) As used in this section, "authorized top level domain" means any of the following suffixes that follows the domain name in a website address:
 - (a) gov;
 - (b) edu; and
 - (c) mil.
- (2) Beginning July 1, 2025, a governmental entity shall use an authorized top level domain for:
 - (a) the website address for the governmental entity's government website; and
 - (b) the email addresses used by the governmental entity and the governmental entity's employees.
- (3) Notwithstanding Subsection (2), a governmental entity may operate a website that uses a top level domain that is not an authorized top level domain if:
 - (a)
 - (i) a reasonable person would not mistake the website as the governmental entity's primary website; and
 - (ii) the governmental website is:
 - (A) solely for internal use and not intended for use by members of the public;
 - (B) temporary and in use by the governmental entity for a period of less than one year; or
 - (C) related to an event, program, or informational campaign operated by the governmental entity in partnership with another person that is not a governmental entity; or
 - (b) the governmental entity is a school district or a school that is not an institution of higher education and the use of an authorized top level domain is otherwise prohibited, provided that once the use of an authorized top level domain is not otherwise prohibited, the school district or school shall transition to an authorized top level domain within 15 months.
- (4) The chief information officer appointed under Section 63A-16-201 may authorize a waiver of the requirement in Subsection (2) if:

- (a) there are extraordinary circumstances under which use of an authorized domain extension would cause demonstrable harm to citizens or businesses; and
- (b) the executive director or chief executive of the governmental entity submits a written request to the chief information officer that includes a justification for the waiver.

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