

Part 2 Chief Information Officer

63F-1-201 Chief information officer -- Appointment -- Powers -- Reporting.

- (1) The director of the department shall serve as the state's chief information officer.
- (2) The chief information officer shall:
 - (a) advise the governor on information technology policy; and
 - (b) perform those duties given the chief information officer by statute.
- (3)
 - (a) The chief information officer shall report annually to:
 - (i) the governor; and
 - (ii) the Public Utilities, Energy, and Technology Interim Committee.
 - (b) The report required under Subsection (3)(a) shall:
 - (i) summarize the state's current and projected use of information technology;
 - (ii) summarize the executive branch strategic plan including a description of major changes in the executive branch strategic plan; and
 - (iii) provide a brief description of each state agency's information technology plan.
- (4)
 - (a) In accordance with this section, the chief information officer shall prepare an interbranch information technology coordination plan that provides for the coordination where possible of the development, acquisition, and maintenance of information technology and information systems of:
 - (i) the executive branch;
 - (ii) the judicial branch;
 - (iii) the legislative branch;
 - (iv) the Board of Regents; and
 - (v) the State Board of Education.
 - (b) In the development of the interbranch coordination plan, the chief information officer shall consult with the entities described in Subsection (4)(a).
 - (c) The interbranch coordination plan:
 - (i) is an advisory document; and
 - (ii) does not bind any entity described in Subsection (4)(a).
 - (d)
 - (i) The chief information officer shall submit the interbranch coordination plan to the Public Utilities, Energy, and Technology Interim Committee for comment.
 - (ii) The chief information officer may modify the interbranch coordination plan:
 - (A) at the request of the Public Utilities, Energy, and Technology Interim Committee; or
 - (B) to improve the coordination between the entities described in Subsection (4)(a).
 - (iii) Any amendment to the interbranch coordination plan is subject to this Subsection (4) in the same manner as the interbranch coordination plan is subject to this Subsection (4).
- (5) In a manner consistent with the interbranch coordination plan created in accordance with Subsection (4), the chief information officer shall maintain liaisons with:
 - (a) the judicial branch;
 - (b) the legislative branch;
 - (c) the Board of Regents;
 - (d) the State Board of Education;
 - (e) local government;

- (f) the federal government;
- (g) business and industry; and
- (h) those members of the public who use information technology or systems of the state.

Amended by Chapter 13, 2016 General Session

63F-1-202 Technology Advisory Board -- Membership -- Duties.

- (1) There is created the Technology Advisory Board to the chief information officer. The board shall have seven members as follows:
 - (a) three members appointed by the governor who are individuals actively involved in business planning for state agencies;
 - (b) one member appointed by the governor who is actively involved in business planning for higher education or public education;
 - (c) one member appointed by the speaker of the House of Representatives and president of the Senate from the Legislative Automation Committee of the Legislature to represent the legislative branch;
 - (d) one member appointed by the Judicial Council to represent the judicial branch; and
 - (e) one member appointed by the governor who represents private sector business needs in the state, but who is not an information technology vendor for the state.
- (2)
 - (a) The members of the advisory board shall elect a chair from the board by majority vote.
 - (b) The department shall provide staff to the board.
 - (c)
 - (i) A majority of the members of the board constitutes a quorum.
 - (ii) Action by a majority of a quorum of the board constitutes an action of the board.
- (3) The board shall meet as necessary to advise the chief information officer and assist the chief information officer and executive branch agencies in coming to consensus on:
 - (a) the development and implementation of the state's information technology strategic plan;
 - (b) critical information technology initiatives for the state;
 - (c) the development of standards for state information architecture;
 - (d) identification of the business and technical needs of state agencies;
 - (e) the department's performance measures for service agreements with executive branch agencies and subscribers of services, including a process in which an executive branch agency may review the department's implementation of and compliance with an executive branch agency's data security requirements; and
 - (f) the efficient and effective operation of the department.
- (4)
 - (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
 - (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Amended by Chapter 387, 2014 General Session

63F-1-203 Executive branch information technology strategic plan.

- (1) In accordance with this section, the chief information officer shall prepare an executive branch information technology strategic plan:
 - (a) that complies with this chapter; and
 - (b) which shall include:
 - (i) a strategic plan for the:
 - (A) interchange of information related to information technology between executive branch agencies;
 - (B) coordination between executive branch agencies in the development and maintenance of information technology and information systems, including the coordination of agency information technology plans described in Section 63F-1-204; and
 - (C) protection of the privacy of individuals who use state information technology or information systems, including the implementation of industry best practices for data and system security that are identified in Subsection 63F-1-104(3);
 - (ii) priorities for the development and implementation of information technology or information systems including priorities determined on the basis of:
 - (A) the importance of the information technology or information system; and
 - (B) the time sequencing of the information technology or information system; and
 - (iii) maximizing the use of existing state information technology resources.
- (2) In the development of the executive branch strategic plan, the chief information officer shall consult with:
 - (a) all cabinet level officials;
 - (b) the advisory board created in Section 63F-1-202; and
 - (c) the group convened in accordance with Subsection 63F-1-104(3).
- (3)
 - (a) Unless withdrawn by the chief information officer or the governor in accordance with Subsection (3)(b), the executive branch strategic plan takes effect 30 days after the day on which the executive branch strategic plan is submitted to:
 - (i) the governor; and
 - (ii) the Public Utilities, Energy, and Technology Interim Committee.
 - (b) The chief information officer or the governor may withdraw the executive branch strategic plan submitted under Subsection (3)(a) if the governor or chief information officer determines that the executive branch strategic plan:
 - (i) should be modified; or
 - (ii) for any other reason should not take effect.
 - (c) The Public Utilities, Energy, and Technology Interim Committee may make recommendations to the governor and to the chief information officer if the commission determines that the executive branch strategic plan should be modified or for any other reason should not take effect.
 - (d) Modifications adopted by the chief information officer shall be resubmitted to the governor and the Public Utilities, Energy, and Technology Interim Committee for their review or approval as provided in Subsections (3)(a) and (b).
- (4)
 - (a) The chief information officer shall, on or before January 1, 2014, and each year thereafter, modify the executive branch information technology strategic plan to incorporate security standards that:
 - (i) are identified as industry best practices in accordance with Subsections 63F-1-104(3) and (4); and
 - (ii) can be implemented within the budget of the department or the executive branch agencies.

- (b) The chief information officer shall inform the speaker of the House of Representatives and the president of the Senate on or before January 1 of each year if best practices identified in Subsection (4)(a)(i) are not adopted due to budget issues considered under Subsection (4)(a)(ii).
- (5) The executive branch strategic plan is to be implemented by executive branch agencies through each executive branch agency adopting an agency information technology plan in accordance with Section 63F-1-204.

Amended by Chapter 13, 2016 General Session

63F-1-204 Agency information technology plans.

- (1)
 - (a) By July 1 of each year, each executive branch agency shall submit an agency information technology plan to the chief information officer at the department level, unless the governor or the chief information officer request an information technology plan be submitted by a subunit of a department, or by an executive branch agency other than a department.
 - (b) The information technology plans required by this section shall be in the form and level of detail required by the chief information officer, by administrative rule adopted in accordance with Section 63F-1-206, and shall include, at least:
 - (i) the information technology objectives of the agency;
 - (ii) any performance measures used by the agency for implementing the agency's information technology objectives;
 - (iii) any planned expenditures related to information technology;
 - (iv) the agency's need for appropriations for information technology;
 - (v) how the agency's development of information technology coordinates with other state and local governmental entities;
 - (vi) any efforts the agency has taken to develop public and private partnerships to accomplish the information technology objectives of the agency;
 - (vii) the efforts the executive branch agency has taken to conduct transactions electronically in compliance with Section 46-4-503; and
 - (viii) the executive branch agency's plan for the timing and method of verifying the department's security standards, if an agency intends to verify the department's security standards for the data that the agency maintains or transmits through the department's servers.
- (2)
 - (a) Except as provided in Subsection (2)(b), an agency information technology plan described in Subsection (1) shall comply with the executive branch strategic plan established in accordance with Section 63F-1-203.
 - (b) If the executive branch agency submitting the agency information technology plan justifies the need to depart from the executive branch strategic plan, an agency information technology plan may depart from the executive branch strategic plan to the extent approved by the chief information officer.
- (3)
 - (a) On receipt of a state agency information technology plan, the chief information officer shall forward a complete copy of the agency information technology plan to the Division of Enterprise Technology created in Section 63F-1-401 and the Division of Integrated Technology created in Section 63F-1-501.
 - (b) The divisions shall provide the chief information officer a written analysis of each agency plan submitted in accordance with Subsections 63F-1-404(14) and 63F-1-504(3).

- (4)
 - (a) The chief information officer shall review each agency plan to determine:
 - (i)
 - (A) whether the agency plan complies with the executive branch strategic plan and state information architecture; or
 - (B) to the extent that the agency plan does not comply with the executive branch strategic plan or state information architecture, whether the executive branch entity is justified in departing from the executive branch strategic plan, or state information architecture; and
 - (ii) whether the agency plan meets the information technology and other needs of:
 - (A) the executive branch agency submitting the plan; and
 - (B) the state.
 - (b) In conducting the review required by Subsection (4)(a), the chief information officer shall consider the analysis submitted by the divisions under Subsection (3).
- (5) After the chief information officer conducts the review described in Subsection (4) of an agency information technology plan, the chief information officer may:
 - (a) approve the agency information technology plan;
 - (b) disapprove the agency information technology plan; or
 - (c) recommend modifications to the agency information technology plan.
- (6) An executive branch agency or the department may not submit a request for appropriation related to information technology or an information technology system to the governor in accordance with Section 63J-1-201 until after the executive branch agency's information technology plan is approved by the chief information officer.

Amended by Chapter 53, 2013 General Session

63F-1-205 Approval of acquisitions of information technology.

- (1)
 - (a) Except as provided in Title 63N, Chapter 13, Part 2, Government Procurement Private Proposal Program, in accordance with Subsection (2), the chief information officer shall approve the acquisition by an executive branch agency of:
 - (i) information technology equipment;
 - (ii) telecommunications equipment;
 - (iii) software;
 - (iv) services related to the items listed in Subsections (1)(a)(i) through (iii); and
 - (v) data acquisition.
 - (b) The chief information officer may negotiate the purchase, lease, or rental of private or public information technology or telecommunication services or facilities in accordance with this section.
 - (c) Where practical, efficient, and economically beneficial, the chief information officer shall use existing private and public information technology or telecommunication resources.
 - (d) Notwithstanding another provision of this section, an acquisition authorized by this section shall comply with rules made by the applicable rulemaking authority under Title 63G, Chapter 6a, Utah Procurement Code.
- (2) Before negotiating a purchase, lease, or rental under Subsection (1) for an amount that exceeds the value established by the chief information officer by rule in accordance with Section 63F-1-206, the chief information officer shall:

- (a) conduct an analysis of the needs of executive branch agencies and subscribers of services and the ability of the proposed information technology or telecommunications services or supplies to meet those needs; and
 - (b) for purchases, leases, or rentals not covered by an existing statewide contract, certify in writing to the chief procurement officer in the Division of Purchasing and General Services that:
 - (i) the analysis required in Subsection (2)(a) was completed; and
 - (ii) based on the analysis, the proposed purchase, lease, rental, or master contract of services, products, or supplies is practical, efficient, and economically beneficial to the state and the executive branch agency or subscriber of services.
- (3) In approving an acquisition described in Subsections (1) and (2), the chief information officer shall:
- (a) establish by administrative rule, in accordance with Section 63F-1-206, standards under which an agency must obtain approval from the chief information officer before acquiring the items listed in Subsections (1) and (2);
 - (b) for those acquisitions requiring approval, determine whether the acquisition is in compliance with:
 - (i) the executive branch strategic plan;
 - (ii) the applicable agency information technology plan;
 - (iii) the budget for the executive branch agency or department as adopted by the Legislature;
 - (iv) Title 63G, Chapter 6a, Utah Procurement Code; and
 - (v) the information technology accessibility standards described in Section 63F-1-210; and
 - (c) in accordance with Section 63F-1-207, require coordination of acquisitions between two or more executive branch agencies if it is in the best interests of the state.
- (4)
- (a) Each executive branch agency shall provide the chief information officer with complete access to all information technology records, documents, and reports:
 - (i) at the request of the chief information officer; and
 - (ii) related to the executive branch agency's acquisition of any item listed in Subsection (1).
 - (b) Beginning July 1, 2006 and in accordance with administrative rules established by the department under Section 63F-1-206, no new technology projects may be initiated by an executive branch agency or the department unless the technology project is described in a formal project plan and the business case analysis has been approved by the chief information officer and agency head. The project plan and business case analysis required by this Subsection (4) shall be in the form required by the chief information officer, and shall include:
 - (i) a statement of work to be done and existing work to be modified or displaced;
 - (ii) total cost of system development and conversion effort, including system analysis and programming costs, establishment of master files, testing, documentation, special equipment cost and all other costs, including overhead;
 - (iii) savings or added operating costs that will result after conversion;
 - (iv) other advantages or reasons that justify the work;
 - (v) source of funding of the work, including ongoing costs;
 - (vi) consistency with budget submissions and planning components of budgets; and
 - (vii) whether the work is within the scope of projects or initiatives envisioned when the current fiscal year budget was approved.

- (5) The chief information officer and the Division of Purchasing and General Services shall work cooperatively to establish procedures under which the chief information officer shall monitor and approve acquisitions as provided in this section.

Amended by Chapter 355, 2016 General Session

63F-1-206 Rulemaking -- Policies.

- (1)
- (a) Except as provided in Subsection (2), in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the chief information officer shall make rules that:
 - (i) provide standards that impose requirements on executive branch agencies that:
 - (A) are related to the security of the statewide area network; and
 - (B) establish standards for when an agency must obtain approval before obtaining items listed in Subsection 63F-1-205(1);
 - (ii) specify the detail and format required in an agency information technology plan submitted in accordance with Section 63F-1-204;
 - (iii) provide for standards related to the privacy policies of websites operated by or on behalf of an executive branch agency;
 - (iv) provide for the acquisition, licensing, and sale of computer software;
 - (v) specify the requirements for the project plan and business case analysis required by Section 63F-1-205;
 - (vi) provide for project oversight of agency technology projects when required by Section 63F-1-205;
 - (vii) establish, in accordance with Subsection 63F-1-205(2), the implementation of the needs assessment for information technology purchases;
 - (viii) establish telecommunications standards and specifications in accordance with Section 63F-1-404; and
 - (ix) establish standards for accessibility of information technology by individuals with disabilities in accordance with Section 63F-1-210.
 - (b) The rulemaking authority in this Subsection (1) is in addition to any other rulemaking authority granted by this title.
- (2)
- (a) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines procedures to be followed by the chief information officer in facilitating the implementation of this title by executive branch agencies if the policy:
 - (i) is consistent with the executive branch strategic plan; and
 - (ii) is not required to be made by rule under Subsection (1) or Section 63G-3-201.
 - (b)
 - (i) A policy adopted by the chief information officer under Subsection (2)(a) may not take effect until 30 days after the day on which the chief information officer submits the policy to:
 - (A) the governor; and
 - (B) all cabinet level officials.
 - (ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials may review and comment on a policy submitted under Subsection (2)(b)(i).
- (3)
- (a) Notwithstanding Subsection (1) or (2) or Title 63G, Chapter 3, Utah Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the chief

information officer may adopt a security procedure to be followed by executive branch agencies to protect the statewide area network if:

- (i) broad communication of the security procedure would create a significant potential for increasing the vulnerability of the statewide area network to breach or attack; and
 - (ii) after consultation with the chief information officer, the governor agrees that broad communication of the security procedure would create a significant potential increase in the vulnerability of the statewide area network to breach or attack.
- (b) A security procedure described in Subsection (3)(a) is classified as a protected record under Title 63G, Chapter 2, Government Records Access and Management Act.
- (c) The chief information officer shall provide a copy of the security procedure as a protected record to:
- (i) the chief justice of the Utah Supreme Court for the judicial branch;
 - (ii) the speaker of the House of Representatives and the president of the Senate for the legislative branch;
 - (iii) the chair of the Board of Regents; and
 - (iv) the chair of the State Board of Education.

Amended by Chapter 114, 2015 General Session

63F-1-207 Coordination within the executive branch -- Cooperation with other branches.

- (1) In accordance with the executive branch strategic plan and the requirements of this title, the chief information officer shall coordinate the development of information technology systems between two or more executive branch agencies subject to:
- (a) the budget approved by the Legislature; and
 - (b) Title 63J, Chapter 1, Budgetary Procedures Act.
- (2) In addition to the coordination described in Subsection (1), the chief information officer shall promote cooperation regarding information technology in a manner consistent with the interbranch coordination plan created in accordance with Section 63F-1-201.

Amended by Chapter 382, 2008 General Session

63F-1-208 Delegation of department functions.

- (1)
- (a) If the conditions of Subsections (1)(b) and (2) are met and subject to the other provisions of this section, the chief information officer may delegate a function of the department to another executive branch agency or an institution of higher education by contract or other means authorized by law.
 - (b) The chief information officer may delegate a function of the department as provided in Subsection (1)(a) if in the judgment of the director of the executive branch agency, the director of the division, and the chief information officer:
 - (i) the executive branch agency or institution of higher education has requested that the function be delegated;
 - (ii) the executive branch agency or institution of higher education has the necessary resources and skills to perform or control the function to be delegated; and
 - (iii) the function to be delegated is a unique or mission critical function of the agency or institution of higher education which is not appropriate to:
 - (A) govern or manage under the Division of Enterprise Technology; or
 - (B) govern or manage under the Division of Integrated Technology.

- (2) The chief information officer may delegate a function of the department only when the delegation results in net cost savings or improved service delivery to the state as a whole or to the unique mission critical function of the executive branch agency.
- (3) The delegation of a function under this section shall:
 - (a) be in writing;
 - (b) contain all of the following:
 - (i) a precise definition of each function to be delegated;
 - (ii) a clear description of the standards to be met in performing each function delegated;
 - (iii) a provision for periodic administrative audits by the Division of Agency Services in accordance with Section 63F-1-604;
 - (iv) a date on which the agreement shall terminate if the agreement has not been previously terminated or renewed; and
 - (v) any delegation of department staff to the agency to support the function in-house with the agency and rates to be charged for the delegated staff; and
 - (c) include a cost-benefit analysis justifying the delegation in accordance with Section 63F-1-604.
- (4) An agreement to delegate functions to an executive branch agency or an institution of higher education may be terminated by the department if the results of an administrative audit conducted by the division reveals a lack of compliance with the terms of the agreement by the executive branch agency or institution of higher education.

Enacted by Chapter 169, 2005 General Session

63F-1-209 Delegation of department staff to executive branch agencies -- Prohibition against executive branch agency information technology staff.

- (1)
 - (a) The chief information officer shall assign department staff to serve an agency in-house if the chief information officer and the executive branch agency director jointly determine it is appropriate to provide information technology services to:
 - (i) the agency's unique mission critical functions and applications;
 - (ii) the agency's participation in and use of statewide enterprise architecture under the Division of Enterprise Technology; and
 - (iii) the agency's use of coordinated technology services with other agencies that share similar characteristics with the agency under the Division of Integrated Technology.
 - (b)
 - (i) An agency may request the chief information officer to assign in-house staff support from the department.
 - (ii) The chief information officer shall respond to the agency's request for in-house staff support in accordance with Subsection (1)(a).
 - (c) The department shall enter into service agreements with an agency when department staff is assigned in-house to the agency under the provisions of this section.
 - (d) An agency that receives in-house staff support assigned from the department under the provision of this section is responsible for paying the rates charged by the department for that staff as established under Section 63F-1-301.
- (2)
 - (a) After July 1, 2006, an executive branch agency may not create a full-time equivalent position or part-time position, or request an appropriation to fund a full-time equivalent position or part-time position under the provisions of Section 63J-1-201 for the purpose of providing information technology services to the agency unless:

- (i) the chief information officer has approved a delegation under Section 63F-1-208; and
 - (ii) the Division of Agency Services conducts an audit under Section 63F-1-604 and finds that the delegation of information technology services to the agency meets the requirements of Section 63F-1-208.
- (b) The prohibition against a request for appropriation under Subsection (2)(a) does not apply to a request for appropriation needed to pay rates imposed under Subsection (1)(d).

Amended by Chapter 382, 2008 General Session

63F-1-210 Accessibility standards for executive branch agency information technology.

- (1) The chief information officer shall establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- (a) minimum standards for accessibility of executive branch agency information technology by an individual with a disability that:
 - (i) include accessibility criteria for:
 - (A) agency websites;
 - (B) hardware and software procured by an executive branch agency; and
 - (C) information systems used by executive branch agency employees; and
 - (ii) include a protocol to evaluate the standards via testing by individuals with a variety of access limitations;
 - (b) grievance procedures for an individual with a disability who is unable to access executive branch agency information technology, including:
 - (i) a process for an individual with a disability to report the access issue to the chief information officer; and
 - (ii) a mechanism through which the chief information officer can respond to the report; and
 - (c) are, at minimum, consistent with the Web Content Accessibility 2.0 guidelines published by the World Wide Web Consortium.
- (2) The chief information officer shall update the standards described in Subsection (1)(a) at least every three years to reflect advances in technology.

Enacted by Chapter 114, 2015 General Session