

**Effective 3/27/2015**

**63G-18-104 Data retention.**

- (1) Except as provided in this section, a law enforcement agency:
  - (a) may not use, copy, or disclose data collected by an unmanned aircraft system on a person, structure, or area that is not a target; and
  - (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as reasonably possible after the law enforcement agency collects or receives the data.
- (2) A law enforcement agency is not required to comply with Subsection (1) if:
  - (a) deleting the data would also require the deletion of data that:
    - (i) relates to the target of the operation; and
    - (ii) is requisite for the success of the operation;
  - (b) the law enforcement agency receives the data:
    - (i) through a court order that:
      - (A) requires a person to release the data to the law enforcement agency; or
      - (B) prohibits the destruction of the data; or
    - (ii) from a person who is a nongovernment actor;
  - (c)
    - (i) the data was collected inadvertently; and
    - (ii) the data appears to pertain to the commission of a crime;
  - (d)
    - (i) the law enforcement agency reasonably determines that the data pertains to an emergency situation; and
    - (ii) using or disclosing the data would assist in remedying the emergency; or
  - (e) the data was collected through the operation of an unmanned aircraft system over public lands outside of municipal boundaries.

Amended by Chapter 269, 2015 General Session