

Effective 5/3/2023

76-6-702 Definitions.

As used in this part:

- (1) "Access" means to directly or indirectly use, attempt to use, instruct, communicate with, cause input to, cause output from, or otherwise make use of any resources of a computer, computer system, computer network, or any means of communication with any of them.
- (2) "Authorization" means having the express or implied consent or permission of the owner, or of the person authorized by the owner to give consent or permission to access a computer, computer system, or computer network in a manner not exceeding the consent or permission.
- (3) "Computer" means any electronic device or communication facility that stores, processes, transmits, or facilitates the transmission of data.
- (4) "Computer network" means:
 - (a) the interconnection of communication or telecommunication lines between:
 - (i) computers; or
 - (ii) computers and remote terminals; or
 - (b) the interconnection by wireless technology between:
 - (i) computers; or
 - (ii) computers and remote terminals.
- (5) "Computer property" includes electronic impulses, electronically produced data, information, financial instruments, software, or programs, in either machine or human readable form, any other tangible or intangible item relating to a computer, computer system, computer network, and copies of any of them.
- (6) "Computer system" means a set of related, connected or unconnected, devices, software, or other related computer equipment.
- (7) "Computer technology" includes:
 - (a) a computer;
 - (b) a computer network;
 - (c) computer hardware;
 - (d) a computer system;
 - (e) a computer program;
 - (f) computer services;
 - (g) computer software; or
 - (h) computer data.
- (8) "Confidential" means data, text, or computer property that is protected by a security system that clearly evidences that the owner or custodian intends that it not be available to others without the owner's or custodian's permission.
- (9) "Critical infrastructure" includes:
 - (a) a financial or banking system;
 - (b) any railroad, airline, airport, airway, highway, bridge, waterway, fixed guideway, or other transportation system intended for the transportation of persons or property;
 - (c) any public utility service, including a power, energy, gas, or water supply system;
 - (d) a sewage or water treatment system;
 - (e) a health care facility, as that term is defined in Section 26B-2-201;
 - (f) an emergency fire, medical, or law enforcement response system;
 - (g) a public health facility or system;
 - (h) a food distribution system;
 - (i) a government computer system or network;
 - (j) a school; or

- (k) other government facilities, operations, or services.
- (10) "Denial of service attack" means an attack or intrusion that is intended to disrupt legitimate access to, or use of, a network resource, a machine, or computer technology.
- (11) "Financial instrument" includes any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, electronic fund transfer, automated clearing house transaction, credit card, or marketable security.
- (12)
 - (a) "Identifying information" means a person's:
 - (i) social security number;
 - (ii) driver license number;
 - (iii) nondriver governmental identification number;
 - (iv) bank account number;
 - (v) student identification number;
 - (vi) credit or debit card number;
 - (vii) personal identification number;
 - (viii) unique biometric data;
 - (ix) employee or payroll number;
 - (x) automated or electronic signature; or
 - (xi) computer password.
 - (b) "Identifying information" does not include information that is lawfully available from publicly available information, or from federal, state, or local government records lawfully made available to the general public.
- (13) "Information" does not include information obtained:
 - (a) through use of:
 - (i) an electronic product identification or tracking system; or
 - (ii) other technology used by a retailer to identify, track, or price goods; and
 - (b) by a retailer through the use of equipment designed to read the electronic product identification or tracking system data located within the retailer's location.
- (14) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet or a system operated, or services offered, by a library or an educational institution.
- (15) "License or entitlement" includes:
 - (a) licenses, certificates, and permits granted by governments;
 - (b) degrees, diplomas, and grades awarded by educational institutions;
 - (c) military ranks, grades, decorations, and awards;
 - (d) membership and standing in organizations and religious institutions;
 - (e) certification as a peace officer;
 - (f) credit reports; and
 - (g) another record or datum upon which a person may be reasonably expected to rely in making decisions that will have a direct benefit or detriment to another.
- (16) "Security system" means a computer, computer system, network, or computer property that has some form of access control technology implemented, such as encryption, password protection, other forced authentication, or access control designed to keep out unauthorized persons.
- (17) "Services" include computer time, data manipulation, and storage functions.
- (18) "Service provider" means a telecommunications carrier, cable operator, computer hardware or software provider, or a provider of information service or interactive computer service.

(19) "Software" or "program" means a series of instructions or statements in a form acceptable to a computer, relating to the operations of the computer, or permitting the functioning of a computer system in a manner designed to provide results including system control programs, application programs, or copies of any of them.

Amended by Chapter 330, 2023 General Session