

1 **PRIVACY TASK FORCE**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Blake D. Chard**

5 AN ACT RELATING TO STATE AFFAIRS IN GENERAL; CREATING THE PRIVACY
6 TASK FORCE; PROVIDING FOR MEMBERSHIP; DELINEATING RESPONSIBILITIES
7 AND PROCEDURES; PROVIDING A REPORTING DATE; APPROPRIATING \$39,000
8 FROM THE GENERAL FUND; AND PROVIDING A REPEAL DATE.

9 This act enacts uncodified material.

10 *Be it enacted by the Legislature of the state of Utah:*

11 Section 1. **Privacy Task Force -- Creation -- Membership -- Quorum -- Compensation**
12 **-- Staff.**

13 (1) There is created the Privacy Task Force consisting of the following 18 members
14 appointed by the speaker of the House and the president of the Senate as follows:

15 (a) three members of the Senate appointed by the president of the Senate, no more than
16 two of whom may be from the same political party;

17 (b) three members of the House of Representatives appointed by the speaker of the House
18 of Representatives, no more than two of whom may be from the same political party;

19 (c) the director of the Division of Archives and Records Services or the director's designee;

20 (d) two representatives of the media nominated by the Society of Professional Journalists;

21 (e) two representatives from state agencies which collect, use, and/or share personal
22 information of individuals nominated by the Information Technology Commission chairs;

23 (f) one attorney who practices in the personal information privacy area nominated by the
24 State Bar Association;

25 (g) one representative from commercial or private business involved in the collection and
26 use of personal information of individuals whether that information comes from public records
27 and/or other sources;

1 (h) one representative of a trade organization whose members obtain and use personal
2 information of individuals;

3 (i) two representatives from public interest organizations interested in privacy of
4 individuals' personal information nominated by the Information Technology Commission chairs;
5 and

6 (j) two representatives from the general public nominated by the Information Technology
7 Commission chairs.

8 (2) The members in Subsections (1)(g)and (1)(h) may be selected from the utility, banking,
9 health, medical, publishing, marketing, and information technology industries.

10 (3) (a) The president of the Senate shall designate a member of the Senate appointed under
11 Subsection (1)(a) as a cochair of the task force.

12 (b) The speaker of the House of Representatives shall designate a member of the House
13 of Representatives appointed under Subsection (1)(b) as a cochair of the task force.

14 (4) Attendance of ten or more members at a meeting is a quorum for transaction of
15 business. The action of a majority of a quorum constitutes the action of the task force.

16 (5) (a) Salaries and expenses of the members of the task force who are legislators shall be
17 paid in accordance with Section 36-2-2 and Legislative Joint Rule 15.03.

18 (b) Members of the task force who are not legislators may not receive compensation for
19 their work associated with the task force, but may receive per diem and expenses incurred as a
20 member of the task force at the rates established by the Division of Finance under Sections
21 63A-3-106 and 63A-3-107.

22 (6) The Office of Legislative Research and General Counsel shall provide staff support
23 to the task force.

24 Section 2. **Duties -- Interim report.**

25 (1) The task force shall review and make recommendations regarding individuals' right
26 to privacy including:

27 (a) defining personal privacy and what is a reasonable expectation of privacy of personal
28 information;

29 (b) determining what personal information about individuals is collected, used, sold, or
30 shared by business entities;

31 (c) determining whether changes are needed to any laws or administrative rules regarding

1 individuals' privacy;

2 (d) any other personal privacy issue regarding individuals' right to privacy for personal
3 information;

4 (e) determining remedies against or penalties for those who infringe on personal privacy
5 or deliberately divulge private information;

6 (f) identifying existing state and federal statutes and self-regulatory practices to ensure
7 consumer protection, individual rights, and fair practices; and

8 (g) considering the impacts on electronic commerce, consumer choice, and citizen
9 protection.

10 (2) A final report, including any proposed legislation, shall be presented to the Information
11 Technology Commission and the Public Utilities and Technology Interim Committee before
12 November 30, 1998.

13 **Section 3. Appropriation.**

14 There is appropriated from the General Fund for fiscal year 1998-99:

15 (1) \$4,500 to the Senate to pay for the compensation and expenses of senators on the task
16 force;

17 (2) \$4,500 to the House of Representatives to pay for the compensation and expenses of
18 representatives on the task force; and

19 (3) \$30,000 to the Office of Legislative Research and General Counsel to pay for staffing
20 the task force.

21 **Section 4. Repeal date.**

22 This act is repealed November 30, 1998.

Legislative Review Note
as of 11-19-97 2:50 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Public Utilities and Technology Interim Committee recommended this bill.