

**Representative Blake D. Chard** proposes to substitute the following bill:

**PRIVACY TASK FORCE**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Blake D. Chard**

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

This act enacts uncodified material.

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

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

(1) There is created the Privacy Task Force consisting of the following 23 members appointed by the speaker of the House of Representatives and the president of the Senate as follows:

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

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

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

(d) the Commissioner of Public Safety or the commissioner's designee;

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

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

(g) one attorney who preferably practices in the personal information privacy area

1 nominated by the State Bar Association;

2 (h) one representative of higher education nominated by the Board of Regents;

3 (i) one representative of public education nominated by the State Superintendent;

4 (j) one representative nominated by the Prosecution Council;

5 (k) one representative of counties nominated by the Utah Association of Counties;

6 (l) one representative of the medical and health community nominated by the Utah

7 Association of Health Care Providers;

8 (m) one representative of the financial industry nominated by the Utah Mortgage

9 Association;

10 (n) one representative of the telemarketing/direct marketing industry nominated by the  
11 chairs of the Information Technology Commission;

12 (o) one representative of public interest groups nominated by the chairs of the Information  
13 Technology Commission; and

14 (p) two representatives of the general public nominated by the chairs of the Information  
15 Technology Commission, taking into consideration a rural nominee.

16 (2) (a) The president of the Senate shall designate a member of the Senate appointed under  
17 Subsection (1)(a) as a cochair of the task force.

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

20 (c) The members in Subsections (1)(e) through (p) shall be appointed by the speaker of  
21 the House of Representatives and the president of the Senate from the nominations made by the  
22 entities designated in those subsections.

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

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

27 (b) Members of the task force who are not legislators may not receive compensation for  
28 their work associated with the task force, but may receive per diem and expenses incurred as a  
29 member of the task force at the rates established by the Division of Finance under Sections  
30 63A-3-106 and 63A-3-107.

31 (5) The Office of Legislative Research and General Counsel shall provide staff support

1 to the task force.

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

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

5 (a) defining personal privacy and what is a reasonable expectation of privacy of personal  
6 information;

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

9 (c) determining whether changes are needed to any laws or administrative rules regarding  
10 individuals' privacy;

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

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

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

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

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

22 Section 3. **Appropriation.**

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

24 (1) \$4,500 to the Senate to pay for the compensation and expenses of senators on the task  
25 force;

26 (2) \$4,500 to the House of Representatives to pay for the compensation and expenses of  
27 representatives on the task force; and

28 (3) \$30,000 to the Office of Legislative Research and General Counsel to pay for staffing  
29 the task force.

30 Section 4. **Repeal date.**

31 This act is repealed November 30, 1998.