

SAFEGUARDING PERSONAL INFORMATION

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael G. Waddoups

LONG TITLE**General Description:**

This bill modifies the Criminal Code by making it illegal for persons to sell, give, or receive government records containing personal information.

Highlighted Provisions:

This bill:

- ▶ modifies the Criminal Code making it illegal for persons to sell, give, or receive government records containing personal information when those records will be used to sell or offer to sell property or services to persons on the list; and
- ▶ provides that persons who violate the criminal provision are guilty of a class C misdemeanor.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**ENACTS:****76-8-515**, Utah Code Annotated 1953

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

Section 1. Section **76-8-515** is enacted to read:

76-8-515. Unlawful sale, gift, or receipt of identifying information derived from



28 **government records.**

29 (1) As used in this section:

30 (a) "Identifying information" means a person's name, postal address, street address,
31 telephone number, email address, Social Security number, or any combination of them.

32 (b) "List" means identifying information that is contained in or derived from
33 government records.

34 (c) "Listed person" means a person whose identifying information is contained in a list.

35 (2) (a) Except as provided in Subsection (3), it is unlawful for any person to knowingly
36 sell, give, or receive identifying information for the purpose of selling or offering for sale any
37 property or service to a listed person.

38 (b) A violation of Subsection (2)(a) is a class C misdemeanor.

39 (3) It is lawful for a person to sell, give, or receive identifying information for the
40 purpose of selling or offering for sale any property or service to a listed person if:

41 (a) the person complies with the procedures and requirements of Section 53-3-109,
42 relating to records of the Driver License Division;

43 (b) the person complies with the procedures and requirements of Section 41-6-40,
44 relating to the disclosure of accident reports;

45 (c) the person complies with the procedures and requirements of Section 41-1a-116,
46 relating to certain Motor Vehicle Division records;

47 (d) the identifying information is about persons licensed, registered, or issued
48 certificates or permits to practice a profession or vocation and the identifying information is
49 sold to, given to, or received by an organization of persons who practice that profession or
50 vocation for the sole purpose of providing listed persons with information about membership
51 or other information related to the practice of the profession or vocation;

52 (e) the identifying information:

53 (i) is about persons who have applied or who are currently applying for examination
54 for licenses, registrations, certificates, or permits to practice a profession or vocation; and

55 (ii) is sold to, given to, or received by an organization that provides professional or
56 vocational educational materials or courses to provide listed persons with information about
57 those materials or courses; and

58 (f) the sale, providing of, or receipt of the identifying information is authorized

59 specifically by law.
60 (4) This section may not be construed to impose any criminal liability or criminal
61 penalty upon any public official, public agency, or records custodian who, in good faith
62 compliance with Title 63, Chapter 2, Government Records Access and Management Act,
63 grants access to or provides copies of government records or identifying information to a
64 person who has requested the government records.

Legislative Review Note
as of 1-20-04 2:05 PM

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

Office of Legislative Research and General Counsel

Fiscal Note**Safeguarding Personal Information***29-Jan-04***Bill Number SB0127***11:41 AM*

State Impact

It is estimated that provisions of this bill can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst