

LONGITUDINAL DATA MANAGEMENT ACT

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to state longitudinal data.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes the Utah Data Commission;
- ▶ requires the State Board of Education, the State Board of Regents, the Utah Education and Telehealth Network, the Utah College of Applied Technology, and the Department of Workforce Services to contribute data to the Utah Longitudinal Database;
- ▶ directs the Utah Data Commission to:
 - hire an executive director; and
 - establish the Utah Longitudinal Database that contains de-identified data from participating state entities;
- ▶ directs the executive director to:
 - hire data scientists, data technology experts, and data security experts; and
 - accept requests from a state government official or a member of the public for a longitudinal data study using the data in the Utah Longitudinal Database;
- ▶ directs the Utah Data Commission to use the fees the commission collects for longitudinal data study requests to cover the commission's costs; and



28 ▶ provides a procedure for an individual to remove the individual's information from
29 the Utah Longitudinal Database.

30 **Money Appropriated in this Bill:**

31 This bill appropriates in fiscal year 2017:

32 ▶ to the Utah Education and Telehealth Network - Utah Education and Telehealth
33 Network as an ongoing appropriation:

34 • from the Education Fund, (\$645,000);

35 ▶ to the State Board of Education - State Office of Education as an ongoing
36 appropriation:

37 • from the Education Fund, (\$355,000);

38 ▶ to the Utah College of Applied Technology - Administration as an ongoing
39 appropriation:

40 • from the Education Fund, (\$245,000);

41 ▶ to the State Board of Regents - Administration as an ongoing appropriation:

42 • from the Education Fund, (\$245,000);

43 ▶ to the University of Utah - Education and General as an ongoing appropriation:

44 • from the Education Fund, (\$310,000); and

45 ▶ to the Utah Data Commission - Utah Data Commission, as an ongoing
46 appropriation:

47 • from the Education Fund, \$1,800,000.

48 **Other Special Clauses:**

49 This bill provides a special effective date.

50 **Utah Code Sections Affected:**

51 ENACTS:

52 **63F-3-101**, Utah Code Annotated 1953

53 **63F-3-102**, Utah Code Annotated 1953

54 **63F-3-201**, Utah Code Annotated 1953

55 **63F-3-202**, Utah Code Annotated 1953

56 **63F-3-203**, Utah Code Annotated 1953

57 **63F-3-301**, Utah Code Annotated 1953

58 **63F-3-302**, Utah Code Annotated 1953

59 [63F-3-303](#), Utah Code Annotated 1953



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

62 Section 1. Section **63F-3-101** is enacted to read:

63 **CHAPTER 3. UTAH DATA COMMISSION**

64 **63F-3-101. Title.**

65 This chapter is known as "Utah Data Commission."

66 Section 2. Section **63F-3-102** is enacted to read:

67 **63F-3-102. Definitions.**

68 As used in this chapter:

69 (1) "Commission" means the Utah Data Commission.

70 (2) "Data" means any information about a person stored in a physical or electronic
71 record.

72 (3) "De-identified data" means data about a person for which it is impossible for
73 another person or a machine, using only the data, to discover the identity of the person.

74 (4) "Director" means the executive director of the Utah Data Commission appointed by
75 the commission under Section [63F-3-202](#).

76 (5) "Legislative office" means:

77 (a) the Office of Legislative Research and General Counsel;

78 (b) the Office of the Legislative Fiscal Analyst; or

79 (c) the Office of the Legislative Auditor General.

80 (6) "Longitudinal data" means data that is:

81 (a) collected over time;

82 (b) aggregated from multiple sources; and

83 (c) connected and de-identified.

84 (7) "Participating entity" means:

85 (a) the State Board of Education;

86 (b) the State Board of Regents;

87 (c) the Utah Education and Telehealth Network;

88 (d) the Utah College of Applied Technology; and

89 (e) the Department of Workforce Services.

- 90 (8) "State government official" means:
- 91 (a) a representative of:
- 92 (i) an executive branch agency;
- 93 (ii) an independent entity, as defined in Section [63E-1-102](#);
- 94 (iii) the State Office of Education;
- 95 (iv) the State Board of Regents; or
- 96 (v) a legislative office;
- 97 (b) a member of:
- 98 (i) the House of Representatives; or
- 99 (ii) the Senate; or
- 100 (c) the governor.
- 101 (9) "Utah Longitudinal Database" means the data storage facility created in Section
- 102 [63F-3-301](#).

103 Section 3. Section **63F-3-201** is enacted to read:

104 **63F-3-201. Commission -- Composition -- Appointment.**

105 (1) The Utah Data Commission is created.

106 (2) The commission described in Subsection (1) is composed of the following
107 members:

108 (a) the state superintendent of the State Board of Education or the state superintendent's
109 designee;

110 (b) the commissioner of higher education or the commissioner of higher education's
111 designee;

112 (c) the executive director of the Utah Education and Telehealth Network or the
113 executive director's designee;

114 (d) the president of the Utah College of Applied Technology or the president's
115 designee; and

116 (e) the director of the Department of Workforce Services or the director's designee.

117 (2) The commissioners shall designate, by vote, one of the commissioners as chair.

118 (3) Three members of the commission constitute a quorum for transacting official
119 commission business.

120 (4) A member of the commission:

121 (a) except to the extent a member's service on the commission is related to the
122 member's duties outside of the commission, may not receive compensation or benefits for the
123 member's service; and

124 (b) may receive per diem and travel expenses in accordance with:

125 (i) Section [63A-3-106](#);

126 (ii) Section [63A-3-107](#); and

127 (iii) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

128 (5) The University of Utah shall provide administrative support for the commission.

129 Section 4. Section **63F-3-202** is enacted to read:

130 **63F-3-202. Commission powers and duties.**

131 (1) The commission shall manage, supervise, and maintain the Utah Longitudinal
132 Database.

133 (2) The commission shall engage with the participating entities, the governor, and the
134 Legislature to determine longitudinal data research priorities for the state.

135 (3) The commission shall manage and maintain the Utah Longitudinal Database such
136 that the Utah Longitudinal Database is accessible and resourceful to the general public in Utah.

137 (4) The commission is not subject to Title 63G, Chapter 2, Government Records
138 Access and Management Act.

139 Section 5. Section **63F-3-203** is enacted to read:

140 **63F-3-203. Executive director -- Additional staff.**

141 (1) The commission shall appoint an executive director to manage the day-to-day
142 operations of the commission.

143 (2) The executive director may, with the commission's approval, hire staff, including:

144 (a) data scientists;

145 (b) data technology experts; and

146 (c) data security experts.

147 Section 6. Section **63F-3-301** is enacted to read:

148 **63F-3-301. Utah Longitudinal Database.**

149 (1) The commission shall establish a database, known as the Utah Longitudinal
150 Database, that contains longitudinal data derived from data contributed by the participating
151 entities.

152 (2) A participating entity shall contribute data to the Utah Longitudinal Database
153 within guidelines established by the commission.

154 (3) A state executive agency may not establish a database composed of longitudinal
155 data except as part of the Utah Longitudinal Database.

156 (4) The commission shall contract with the Utah Education and Telehealth Network for
157 technical operation and storage of the Utah Longitudinal Database.

158 (5) Except as otherwise provided by law, the division may only release data from the
159 Utah Longitudinal Database Center in accordance with the procedures described in Section
160 63F-3-303.

161 Section 7. Section **63F-3-302** is enacted to read:

162 **63F-3-302. Commission duties -- Longitudinal data studies.**

163 (1) The commission shall prepare a longitudinal data study, using the data contained in
164 the Utah Longitudinal Database, at the request of:

165 (a) a member of the commission;

166 (b) the executive director;

167 (c) a state government official in the executive, legislative, or judicial branch; or

168 (d) a member of the public.

169 (2) The executive director, with approval by the commission, shall determine the order
170 in which the commission completes the requests described in Subsection (1).

171 (3) If a member of the public requests a longitudinal data study under Subsection (1),
172 the commission shall:

173 (a) evaluate the request;

174 (b) determine a reasonable estimated cost for the request;

175 (c) provide the member of the public with a cost estimate; and

176 (d) require, before accepting a request, the member of the public to agree to pay, once
177 the request is complete, the full cost of the request as determined by the commission under
178 Subsection (7).

179 (4) The commission shall establish, by rule made in accordance with Title 63G,
180 Chapter 3, Utah Administrative Rulemaking Act:

181 (a) procedures for making a longitudinal data study request under this section;

182 (b) criteria to determine how to prioritize longitudinal data study requests; and

183 (c) minimum standards for information an individual is required to include in a request.

184 (5) The commission shall post a completed report prepared under this section on the
185 commission's website.

186 (6) The commission shall de-identify the data in a completed report before the
187 commission posts a completed report on the commission's website under Subsection (5).

188 (7) The commission shall establish, by rule made in accordance with Title 63G,
189 Chapter 3, Utah Administrative Rulemaking Act, based on the commission's reasonable cost of
190 labor and equipment, a fee schedule for a longitudinal data study request by a member of the
191 public under Subsection (3).

192 (8) (a) The commission shall use the fees the commission collects under this section to
193 cover the commission's costs to administer this chapter.

194 (b) The commission shall deposit any funds not used to cover the commission's costs
195 into the General Fund.

196 Section 8. Section **63F-3-303** is enacted to read:

197 **63F-3-303. Request for removal.**

198 (1) An individual owns a connected record about the individual contained in the Utah
199 Longitudinal Database.

200 (2) An individual may request to have the individual's records removed from the Utah
201 Longitudinal Database.

202 (3) If an individual submits a removal request described in Subsection (2), the
203 commission shall remove the individual's records from the Utah Longitudinal Database.

204 (4) The commission shall develop an Internet website that allows an individual to
205 submit the removal request described in Subsection (2).

206 Section 9. **Appropriation.**

207 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
208 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money
209 are appropriated from resources not otherwise appropriated, or reduced from amounts
210 previously appropriated, out of the funds or accounts indicated. These sums of money are in
211 addition to any amounts previously appropriated for fiscal year 2017.

212 To Utah Education and Telehealth Network - Utah Education and Telehealth Network

213 From Education Fund

(\$645,000)

214	<u>Schedule of Programs:</u>	
215	<u>Statewide Data Alliance</u>	<u>(\$645,000)</u>
216	<u>To State Board of Education - State Office of Education</u>	
217	<u>From Education Fund</u>	<u>(\$355,000)</u>
218	<u>Schedule of Programs:</u>	
219	<u>Board and Administration</u>	<u>(\$355,000)</u>
220	<u>To Utah College of Applied Technology - Administration</u>	
221	<u>From Education Fund</u>	<u>(\$245,000)</u>
222	<u>Schedule of Programs:</u>	
223	<u>Administration</u>	<u>(\$245,000)</u>
224	<u>To State Board of Regents - Administration</u>	
225	<u>From Education Fund</u>	<u>(\$245,000)</u>
226	<u>Schedule of Programs:</u>	
227	<u>Administration</u>	<u>(\$245,000)</u>
228	<u>To University of Utah - Education and General</u>	
229	<u>From Education Fund</u>	<u>(\$310,000)</u>
230	<u>Schedule of Programs:</u>	
231	<u>Education and General</u>	<u>(\$310,000)</u>
232	<u>To Utah Data Commission</u>	
233	<u>From Education Fund</u>	<u>\$1,800,000</u>
234	<u>Schedule of Programs:</u>	
235	<u>Utah Data Commission</u>	<u>\$1,800,000</u>
236	Section 10. Effective date.	
237	<u>This bill takes effect on July 1, 2016.</u>	

Legislative Review Note
Office of Legislative Research and General Counsel