

Senator Jacob L. Anderegg proposes the following substitute bill:

UTAH DATA RESEARCH CENTER ACT

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: John Knotwell

LONG TITLE

General Description:

This bill enacts provisions related to data research.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes the Utah Data Research Center as a program within the Workforce Research and Analysis Division within the Department of Workforce Services;
- ▶ requires the State Board of Education, the State Board of Regents, the Utah College of Applied Technology, the Department of Workforce Services, and the Department of Health to contribute data to a data research program used by the Utah Data Research Center;
- ▶ directs the director of the Workforce Research and Analysis Division to hire data scientists, data technology experts, and data security experts; and
- ▶ directs the Utah Data Research Center to:
 - establish or contract with a private entity or with another state government entity for the creation of a data research program that contains de-identified data from participating state entities;
 - accept requests from a state government official or a member of the public for a



- 26 data research request using the data from the data research program;
- 27 • create a prioritized list of data research requests for the state;
- 28 • use the fees the center collects for data research requests to cover the center's
- 29 costs; and
- 30 • report annually to the Education Interim Committee.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 ENACTS:

- 37 **35A-14-101**, Utah Code Annotated 1953
- 38 **35A-14-102**, Utah Code Annotated 1953
- 39 **35A-14-201**, Utah Code Annotated 1953
- 40 **35A-14-202**, Utah Code Annotated 1953
- 41 **35A-14-203**, Utah Code Annotated 1953
- 42 **35A-14-204**, Utah Code Annotated 1953
- 43 **35A-14-301**, Utah Code Annotated 1953
- 44 **35A-14-302**, Utah Code Annotated 1953
- 45 **35A-14-303**, Utah Code Annotated 1953



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

48 Section 1. Section **35A-14-101** is enacted to read:

49 **CHAPTER 14. UTAH DATA RESEARCH CENTER**

50 **Part 1. General Provisions**

51 **35A-14-101. Title.**

52 This chapter is known as "Utah Data Research Center."

53 Section 2. Section **35A-14-102** is enacted to read:

54 **35A-14-102. Definitions.**

55 As used in this chapter:

56 (1) "Advisory board" means the Utah Data Research Advisory Board created in Section

57 [35A-14-203.](#)

58 (2) "Center" means the Utah Data Research Center.

59 (3) "Data" means any information about a person stored in a physical or electronic
60 record.

61 (4) "Data research program" means the data maintained by the center in accordance
62 with Section [35A-14-301.](#)

63 (5) "De-identified data" means data about a person that cannot, without additional
64 information, identify the person to another person or machine.

65 (6) "Director" means the director of the Workforce Research and Analysis Division.

66 (7) "Participating entity" means:

67 (a) the State Board of Education;

68 (b) the State Board of Regents;

69 (c) the Utah College of Applied Technology;

70 (d) the Department of Workforce Services; and

71 (e) the Department of Health.

72 Section 3. Section **35A-14-201** is enacted to read:

73 **Part 2. Utah Data Research Authority Governance**

74 **35A-14-201. Utah Data Research Center -- Creation.**

75 The Utah Data Research Center is created within the Workforce Research and Analysis
76 Division within the department.

77 Section 4. Section **35A-14-202** is enacted to read:

78 **35A-14-202. Utah Data Research Center -- Powers.**

79 The center may:

80 (1) employ staff necessary to carry out the center's duties;

81 (2) purchase, own, create, or maintain equipment necessary to:

82 (a) collect data from the participating entities;

83 (b) connect and de-identify data collected by the center;

84 (c) store connected and de-identified data; or

85 (d) conduct research on data stored or obtained by the center; or

86 (3) contract with a private entity, another state or federal entity, or a political

87 subdivision of the state to carry out the center's duties as provided in this chapter.

88 Section 5. Section 35A-14-203 is enacted to read:

89 **35A-14-203. Utah Data Research Advisory Board -- Composition -- Appointment.**

90 (1) There is created the Utah Data Research Advisory Board in accordance with this
91 section.

92 (2) The Utah Data Research Advisory Board is composed of the following members:

93 (a) the state superintendent of the State Board of Education or the state superintendent's
94 designee;

95 (b) the commissioner of higher education or the commissioner of higher education's
96 designee;

97 (c) the commissioner of technical education or the commissioner's designee;

98 (d) the executive director of the Department of Workforce Services or the executive
99 director's designee; and

100 (e) the director of the Department of Health or the director's designee.

101 (3) The executive director shall serve as chair.

102 (4) A member of the board:

103 (a) except to the extent a member's service on the board is related to the member's
104 duties outside of the board, may not receive compensation or benefits for the member's service;
105 and

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

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

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

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

110 Section 6. Section 35A-14-204 is enacted to read:

111 **35A-14-204. Director -- Additional staff -- Administrative support.**

112 (1) The director shall manage the day-to-day operations of the center.

113 (2) The director may, with the department's approval, hire staff, including:

114 (a) data scientists;

115 (b) data technology experts; and

116 (c) data security experts.

117 Section 7. Section 35A-14-301 is enacted to read:

118 **Part 3. Data Research Program**

119 **35A-14-301. Data research center.**

120 (1) The center shall establish a data research program for the purpose of analyzing data
121 that is:

122 (a) collected over time;

123 (b) aggregated from multiple sources; and

124 (c) connected and de-identified.

125 (2) The center may, in order to establish the data research program described in
126 Subsection (1):

127 (a) acquire property or equipment in order to store aggregated, connected, and
128 de-identified data derived from data contributed by the participating entities; or

129 (b) contract with a private entity in accordance with Title 63G, Chapter 6a, Utah
130 Procurement Code, or with a state government entity to:

131 (i) store aggregated, connected, and de-identified data derived from data contributed by
132 the participating entities; or

133 (ii) utilize existing aggregated, connected, and de-identified data maintained by a state
134 government entity.

135 (3) A participating entity shall contribute data to the data research program described in
136 Subsection (1) within guidelines established by the center.

137 (4) The center may only release data maintained by the center in accordance with the
138 procedures described in this chapter.

139 (5) The data research program is not subject to Title 63G, Chapter 2, Government
140 Records Access and Management Act.

141 Section 8. Section **35A-14-302** is enacted to read:

142 **35A-14-302. Center duties -- Data studies.**

143 (1) The center shall use data that the center maintains or that a participating entity
144 contributes to the data research program under Section [35A-14-301](#) to conduct research for the
145 purpose of developing public policy for the state.

146 (2) The director, with consultation by the advisory board, shall create a prioritized list
147 of data research for the center to conduct using the data research program each year.

148 (3) (a) In developing the list described in Subsection (2), the center shall accept data
149 research requests from:

- 150 (i) a legislative committee or a legislative staff office;
- 151 (ii) the governor or an executive branch agency;
- 152 (iii) the State Board of Education;
- 153 (iv) the State Board of Regents; and
- 154 (v) the Utah College of Applied Technology.
- 155 (b) The department shall begin accepting the data research requests described in
- 156 Subsection (3)(a) on July 1, 2017.
- 157 (c) The center shall report the list described in Subsection (2) to the Education Interim
- 158 Committee before December 1 of each year.
- 159 (4) In addition to conducting data research in accordance with the prioritized list
- 160 described in Subsection (2), the center may use additional resources to prepare data research at
- 161 the request of:
- 162 (a) a state government entity;
- 163 (b) a political subdivision of the state;
- 164 (c) a private entity; or
- 165 (d) a member of the public.
- 166 (5) The director, with approval by the board, shall determine, for a data research
- 167 request described in Subsection (4):
- 168 (a) whether the center has the resources to complete the data research request;
- 169 (b) the order in which the center shall complete the data research request, if at all; and
- 170 (c) a reasonable estimated cost for the request.
- 171 (6) The center, after evaluating a request under Subsection (5), shall:
- 172 (a) provide the person that requested the data research with a cost estimate; and
- 173 (b) require, before accepting a data research request, that the person that submitted the
- 174 data research request agree to pay, once the data research is complete, the full cost of
- 175 completing the data research request as determined by the center under Subsection (5).
- 176 (7) The center shall make available to the public, on a website maintained by the
- 177 center, any data research request that the center completes under this section.
- 178 (8) The center shall ensure that any data contained in a completed data research request
- 179 is de-identified.
- 180 (9) The center shall:

181 (a) establish, by rule made in accordance with Title 63G, Chapter 3, Utah
182 Administrative Rulemaking Act:
183 (i) procedures for submitting a data research request under this section;
184 (ii) criteria to determine how to prioritize data research requests; and
185 (iii) minimum standards for information a person is required to include in a data
186 research request; and

187 (b) create a fee schedule in accordance with Section 63J-1-504 for completing a data
188 research request.

189 (10) In addition to submitting a data research request under Subsection (4), a
190 participating entity, executive branch agency, or legislative staff office may request, and the
191 center may release, a data set from the data research program if the data set is:

- 192 (a) connected;
- 193 (b) aggregated; and
- 194 (c) de-identified.

195 (11) (a) The center shall use any fee the center collects under this section to cover the
196 center's costs to administer this chapter.

197 (b) The center shall deposit any fee the center collects under this section not used to
198 cover the center's costs into the General Fund.

199 Section 9. Section 35A-14-303 is enacted to read:

200 **35A-14-303. Reporting.**

201 (1) The center shall report to the Education Interim Committee:

202 (a) before July 1 of each year regarding the center's:

- 203 (i) research priorities for the year; and
- 204 (ii) completed research from the previous year; and

205 (b) before December 1 of each year, the center's ongoing data research priority list
206 described in Subsection 35A-14-302(2).

207 (2) The Education Interim Committee shall provide the center ongoing input regarding
208 the center's data research priorities.

209 Section 10. **Effective date.**

210 This bill takes effect on July 1, 2017.