

56 (2) (a) "Government entity" means the state, a county, a municipality, a higher
 57 education institution, a local district, a special service district, a school district, an independent
 58 entity, or any other political subdivision of the state or an administrative subunit of any
 59 political subdivision, including a law enforcement entity.

60 (b) "Government entity" includes an agent of an entity described in Subsection (2)(a).

61 (3) "Independent entity" means the same as that term is defined in Section 63E-1-102.

62 (4) (a) "Personal data" means any information relating to an identified or identifiable
 63 individual.

64 (b) "Personal data" includes personally identifying information.

65 (5) (a) "Privacy practice" means the acquisition, use, storage, or disposal of personal
 66 data.

67 (b) "Privacy practice" includes:

68 (i) a technology use related to personal data; and

69 (ii) policies related to the protection, storage, sharing, and retention of personal data.

70 Section 3. Section **63C-23-201** is enacted to read:

71 **Part 2. Personal Privacy Oversight Commission**

72 **63C-23-201. Personal Privacy Oversight Commission created.**

73 (1) There is created the Personal Privacy Oversight Commission.

74 (2) (a) The commission shall be composed of 12 members.

75 (b) The governor shall appoint:

76 (i) one member who, at the time of appointment provides internet technology services
 77 for a county or a municipality;

78 (ii) one member with experience in cybersecurity;

79 (iii) one member representing private industry in technology;

80 (iv) one member representing law enforcement;

81 (v) one member with experience in data privacy law; and

82 (vi) ~~§~~ **→ from a list of two attorneys provided by the attorney general,** ~~←§~~ one member

82a with experience as a prosecutor and with experience in civil liberties

83 law.

84 (c) The state auditor shall appoint:

85 (i) one member with experience in internet technology services;

86 (ii) one member with experience in cybersecurity;

180 auditor, the state treasurer, ~~§~~→ the State Tax Commission, ←~~§~~ or the State Board of Education; or

181 (D) an independent entity.

182 (2) The governor may, with the advice and consent of the Senate, appoint a

183 government operations privacy officer.

184 (3) The government operations privacy officer shall:

185 (a) compile information about the privacy practices of state agencies;

186 (b) make public and maintain information about the privacy practices of state agencies

187 on the governor's website;

188 (c) provide state agencies with educational and training materials developed by the

189 Personal Privacy Oversight Commission established in Section [63C-23-201](#) that include the

190 information described in Subsection [63C-23-202\(1\)\(b\)](#);

191 (d) implement a process to analyze and respond to requests from individuals for the

192 government operations privacy officer to review a state agency's privacy practice;

193 (e) identify annually which state agencies' privacy practices pose the greatest risk to

194 individual privacy and prioritize those privacy practices for review;

195 (f) review each year, in as timely a manner as possible, the privacy practices that the

196 government operations privacy officer identifies under Subsection (3)(d) or (e) as posing the

197 greatest risk to individuals' privacy;

198 (g) when reviewing a state agency's privacy practice under Subsection (3)(f), analyze:

199 (i) details about the privacy practice;

200 (ii) information about the type of data being used;

201 (iii) information about how the data is obtained, shared, secured, stored, and disposed;

202 (iv) information about with which persons the state agency shares the information;

203 (v) information about whether an individual can or should be able to opt out of the

204 retention and sharing of the individual's data;

205 (vi) information about how the state agency de-identifies or anonymizes data;

206 (vii) a determination about the existence of alternative technology or improved

207 practices to protect privacy; and

208 (viii) a finding of whether the state agency's current privacy practice adequately

209 protects individual privacy; and

210 (h) after completing a review described in Subsections (3)(f) and (g), determine:

- 521 (A) a technology use related to personal data; and
522 (B) policies related to the protection, storage, sharing, and retention of personal data.
523 (f) (i) "State agency" means the following entities that are under the direct supervision
524 and control of the governor or the lieutenant governor:
525 (A) a department;
526 (B) a commission;
527 (C) a board;
528 (D) a council;
529 (E) an institution;
530 (F) an officer;
531 (G) a corporation;
532 (H) a fund;
533 (I) a division;
534 (J) an office;
535 (K) a committee;
536 (L) an authority;
537 (M) a laboratory;
538 (N) a library;
539 (O) a bureau;
540 (P) a panel;
541 (Q) another administrative unit of the state; or
542 (R) an agent of an entity described in Subsections (A) through (Q).
543 (ii) "State agency" does not include:
544 (A) the legislative branch;
545 (B) the judicial branch;
546 (C) an executive branch agency within the Office of the Attorney General, the state
547 auditor, the state treasurer, ~~§~~→ **the State Tax Commission**, ←~~§~~ or the State Board of Education; or
548 (D) an independent entity.
549 (2) The state privacy officer shall:
550 (a) when completing the duties of this Subsection (2), focus on the privacy practices of
551 designated government entities;

614 (c) During the hearing described in Subsection (3)(a), the legislative body shall:

615 (i) provide the public the opportunity to ask questions and obtain further information
 616 about the recommendations; and

617 (ii) provide any interested person an opportunity to address the legislative body with
 618 concerns about the recommendations.

619 (d) At the conclusion of the hearing, the legislative body shall determine whether the
 620 legislative body shall adopt reforms to address the ~~§~~ **→ [recommendation] recommendations ←** ~~§~~
 621 and

620a any concerns raised

621 during the public hearing.

622 (4) (a) Except as provided in Subsection (4)(b), if the government operations privacy
 623 officer described in Section 67-1-17 is not conducting reviews of the privacy practices of state
 624 agencies, the state privacy officer may review the privacy practices of a state agency in
 625 accordance with the processes described in this section.

626 (b) ~~§~~ **→ [Subsections (3) and (5)(b)(ii) do] Subsection (3) does ←** ~~§~~ not apply to a state
 626a agency.

627 (5) The state privacy officer shall:

628 (a) quarterly report, to the Personal Privacy Oversight Commission:

629 (i) recommendations for privacy practices for the commission to review; and

630 (ii) the information provided in Subsection (2)(i); and

631 (b) annually, on or before October 1, report to the Judiciary Interim Committee:

632 (i) the results of any reviews described in Subsection (2)(g), if any reviews have been
 633 completed;

634 (ii) reforms, to the extent that the state privacy officer is aware of any reforms, that the
 635 designated government entity made in response to any reviews described in Subsection ~~§~~ **→ [(3)(g)]**
 636 (2)(g)

635a ~~←~~ **§** ;

636 (iii) the information described in Subsection (2)(i); and

637 (iv) recommendations for legislation based on any results of a review described in
 638 Subsection (2)(g).