

1st Sub. S.B. 127
CYBERSECURITY AMENDMENTS

Representative **Jefferson S. Burton** proposes the following amendments:

1. *Page 2, Lines 41 through 46:*

41 (b) If an investigation under Subsection (1)(a) reveals that the misuse of personal
42 information for identity theft or fraud purposes has occurred, or is reasonably likely to occur,
43 the person shall provide notification to ~~{-}~~ each affected Utah resident.
44 ~~{(i) each affected Utah resident.}~~
45 ~~{(ii) the Office of the Attorney General; and}~~
46 ~~{(iii) the Utah Cyber Center created in Section 62A-16-510.}~~

(c) If an investigation under Subsection (1)(a) reveals that the misuse of personal information relating to 500 or more Utah residents, for identity theft or fraud purposes, has occurred or is reasonably likely to occur, the person shall, in addition to the notification required in Subsection (1)(b), provide notification to:

(i) the Office of the Attorney General; and

(ii) the Utah Cyber Center created in Section 62A-16-510.

(d) If an investigation under Subsection (1)(a) reveals that the misuse of personal information relating to 1,000 or more Utah residents, for identity theft or fraud purposes, has occurred or is reasonably likely to occur, the person shall, in addition to the notification required in Subsections (1)(b) and (c), provide notification to each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, as defined in 15 U.S.C. Sec. 1681a.

2. *Page 3, Lines 59 through 61:*

59 (4) (a) Notwithstanding Subsection (2), a person may delay providing notification
60 under Subsection (1)(b) ~~{(f)}~~ at the request of a law enforcement agency that determines that
61 notification may impede a criminal investigation.

3. *Page 3, Line 66:*

66 (5) (a) A notification required by ~~[this section]~~ Subsection (1)(b) ~~{(f)}~~ may be provided:

4. *Page 3, Lines 81 through 82:*

81 to be in compliance with ~~[this chapter's notification requirements]~~ the notification requirement
82 in Subsection (1)(b) ~~{(f)}~~ if the procedures are otherwise consistent with this chapter's timing

5. Page 4, Lines 88 through 89:

88 Utah resident in accordance with the other applicable law in the event of a breach.

(6) (a) If a person providing a notification under Subsection (1)(c) to the Office of the Attorney General or the Utah Cyber Center submits the information required under Section 63G-2-309(1)(a)(i), records submitted to the Office of the Attorney General or the Utah Cyber Center under Subsection (1)(c) and information produced by the Office of the Attorney General or the Utah Cyber Center for any coordination or assistance provided to the person are presumed to be confidential and are a protected record under Subsections 63G-2-305(1) and (2).

(b) The department may disclose information provided by a person under Subsection (1)(c) or produced as described in Subsection (6)(a) only if:

(i) disclosure is necessary to prevent imminent and substantial harm; or

(ii) the information is anonymized or aggregated in a manner that makes it unlikely that information that is a trade secret, as defined in Section 13-24-2, will be disclosed.

89 {~~(6)~~} (7) A waiver of this section is contrary to public policy and is void and unenforceable.