

# Government Data Privacy Act

Utah Code §§ 63A-19-101, et seq.

- Prior to 5/1/25, a governmental entity must implement and maintain a privacy program that includes the governmental entity's policies, practices, and procedures for processing personal data.
  - "Personal data" means information that is linked or can be reasonably linked to an identified individual or an identifiable individual.
- A governmental entity may only obtain and process the minimum amount of personal data reasonably necessary to efficiently achieve a specified purpose.
- A governmental entity must meet the requirements for all processing activities implemented after 5/1/24.
  - By January 1, 2027, a governmental entity must:
    - identify any non-compliant processing activity;
    - document all non-compliant processing activity; and
    - prepare a strategy for bringing the non-compliant processing activity into compliance.
- A governmental entity must provide a personal data request notice to anyone from whom the governmental entity requests or collects personal data.
  - The governmental entity may only use personal data furnished by an individual for the purposes identified in the personal data request notice.
- A governmental entity that collects personal data must provide a procedure by which an individual may request an amendment or correction to their personal data.
  - A governmental entity is not obligated to make the requested amendment or correction.
- A governmental entity may not:
  - establish, maintain, or use undisclosed or covert surveillance unless permitted by law;
  - sell personal data unless expressly required by law; or
  - share personal data unless permitted by law.
- Governmental entities must report:
  - the types of personal data the entity currently shares or sells;
  - the basis for sharing or selling the personal data; and
  - the persons or entities that receive the personal data.
- An employee of a governmental entity must complete a data privacy training program:
  - within 30 days after beginning employment; and
  - at least once a year.
- A contractor that enters into or renews an agreement with a governmental entity after 5/1/24, and processes or has access to personal data as a part of the contractor's duties under the agreement, must comply with the Act with regard to the personal data processed or accessed by the contractor to the same extent as required of the governmental entity.
- A governmental entity must report a data breach to the Cyber Center and the Attorney General's Office if the data breach affects the personal data of 500 or more individuals.
  - A governmental entity must also report to the Cyber Center a breach involving the unauthorized access, acquisition, disclosure, loss of access, or destruction of data that compromises the security, confidentiality, availability, or integrity of the computer systems used or information maintained by the governmental entity.
- Governmental entities must also provide notice to any individual whose personal data was affected by the breach, regardless of the number of individuals impacted by the breach.

For more information, the full text of the statute can be found at:

[https://le.utah.gov/xcode/Title63A/Chapter19/63A-19.html?v=C63A-19\\_2024050120240501](https://le.utah.gov/xcode/Title63A/Chapter19/63A-19.html?v=C63A-19_2024050120240501)