

HOUSE BILL NO. HB0163

Data privacy-government entities.

Sponsored by: Select Committee on Blockchain, Financial Technology and Digital Innovation Technology

A BILL

for

1 AN ACT relating to the administration of government;
2 requiring government entities to adopt policies for the
3 collection, access, security and use of personal data as
4 specified; requiring specific personal data policies;
5 providing definitions; and providing for effective dates.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 9-21-201 and 9-21-202 are created to
10 read:

11

ARTICLE 2

12

DATA PRIVACY-GOVERNMENT ENTITIES

13

14

15 **9-21-201. Definitions.**

1

2 (a) As used in this article:

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4 (i) "Deidentified data" means data that cannot
5 reasonably be used to infer information about, or otherwise
6 be linked to, an identified or identifiable natural person
7 or personal digital identity, or a device linked to a
8 natural person or personal digital identity, if the
9 government entity that possesses the data takes reasonable
10 measures to ensure the data cannot be associated with a
11 natural person or personal digital identity;

12

13 (ii) "Government entity" means the state and all
14 its political subdivisions, agencies, instrumentalities and
15 institutions and any local government entity. "Government
16 entity" shall not include the judicial branch of government
17 or any law enforcement agency in Wyoming;

18

19 (iii) "Identified or identifiable natural
20 person" means a natural person who can be readily
21 identified, directly or indirectly, by reference to an
22 identifier such as a name, an identification number,
23 specific geolocation data or an online identifier;

1

2 (iv) "Law enforcement agency" means a county,
3 municipal, college or university police force, Wyoming
4 highway patrol, the division of criminal investigation, the
5 department of corrections or any state or local agency or
6 political subdivision or part of an agency or political
7 subdivision to the extent that the primary purpose of the
8 agency or political subdivision, or part thereof, is the
9 prevention or investigation of crime and the enforcement of
10 penal, traffic, regulatory or criminal laws. "Law
11 enforcement agency" shall not include the office of any
12 city, county or district attorney or other division of the
13 attorney general;

14

15 (v) "Personal data" means information that is
16 linked or reasonably linkable to an identified or
17 identifiable natural person or personal digital identity
18 and does not include deidentified data or publicly
19 available information. As used in this paragraph, "publicly
20 available information" means information that is lawfully
21 made available from federal, state or local government
22 records;

23

1 (vi) "Personal digital identity" means as
2 defined in W.S. 8-1-102(a)(xviii).

3

4 **9-21-202. Limitations on personal data by government**
5 **entities; conflict of laws.**

6

7 (a) No government entity shall purchase, sell, trade
8 or transfer personal data without the express written
9 consent of the natural person except as otherwise expressly
10 provided by law and except that a government entity may
11 transfer personal data to another government entity
12 provided that the other government entity complies with
13 this article.

14

15 (b) Any Wyoming resident may request a copy of their
16 personal data from any government entity maintaining it.
17 The government entity may charge a fee for production of
18 the requested personal data consistent with fees authorized
19 to be charged under the Public Records Act.

20

21 (c) A Wyoming resident who objects to the accuracy,
22 completeness, pertinence, timeliness, relevance, retention,
23 dissemination or denial of access to the resident's own

1 personal data that is maintained by a government entity
2 may, individually or through a duly authorized
3 representative, file an objection with the government
4 entity that maintains the data. The government entity
5 maintaining the personal data shall, within thirty (30)
6 days of the receipt of an objection:

7

8 (i) Investigate the validity of the objection;

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10 (ii) If the objection is found to be meritorious
11 after investigation, alter the contents of, or the methods
12 for holding, or the dissemination or use of the personal
13 data, or delete or grant access to it;

14

15 (iii) If the objection is found to lack merit
16 after investigation, provide the resident the opportunity
17 to have a statement reflecting the resident's views
18 maintained and disseminated with the data in question;

19

20 (iv) Notify the resident in writing of any
21 decision regarding the resident's objection.

22

1 (d) To the extent that a provision of this article
2 conflicts with another provision of state or federal law,
3 the other provision shall control.

4

5 **Section 2.** W.S. 9-21-203 is created to read:

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7 **9-21-203. Personal data collection and retention by**
8 **government entities.**

9

10 (a) In addition to the policies required under W.S.
11 9-21-101, if applicable, each government entity that
12 collects or retains personal data shall adopt, enforce and
13 maintain a policy regarding the collection, access,
14 retention, security and use of personal data consistent
15 with all applicable federal and state laws, including this
16 article.

17

18 (b) No government entity shall collect or maintain
19 more personal data than is reasonably necessary for the
20 performance of the government entity's lawful functions.
21 All personal data collected and maintained by government
22 entities shall be necessary for a specific pre-defined
23 purpose.

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2 (c) No government entity shall maintain personal data
3 for longer than three (3) years without an express written
4 policy identifying the extended retention period and
5 providing a reasonable justification for the extended
6 retention period.

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8 **Section 3.** Not later than January 1, 2025, the state
9 chief information officer shall develop sample policies for
10 use by state agencies, counties, cities, towns and other
11 political subdivisions consistent with the requirements of
12 this act.

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14 **Section 4.** Not later than July 1, 2025 each state
15 agency shall adopt any necessary policies and procedures to
16 meet the requirements of this act.

17

18 **Section 5.** Not later than July 1, 2026 each county,
19 city or town shall adopt any necessary policies and
20 procedures to meet the requirements of this act.

21

22 **Section 6.** Not later than July 1, 2027 each political
23 subdivision of the state other than state agencies,

1 counties, cities or towns, shall adopt any necessary
2 policies and procedures to meet the requirements of this
3 act.

4

5 **Section 7.**

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7 (a) Section 2 of this act is effective July 1, 2025.

8

9 (b) Sections 1 and 3 through 7 of this act are
10 effective immediately upon completion of all acts necessary
11 for a bill to become law as provided by Article 4, Section
12 8 of the Wyoming Constitution.

13

14 (END)