

1                   **GOVERNMENT RECORDS TRANSPARENCY ACT**

2                                   **AMENDMENTS**

3   2021 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Travis M. Seegmiller**

6                                   Senate Sponsor: \_\_\_\_\_

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8   **LONG TITLE**

9   **General Description:**

10           This bill requires reporting regarding personal identifying information collected, used,  
11 or disclosed by a government agency.

12   **Highlighted Provisions:**

13           This bill:

- 14           ▶ defines terms;
- 15           ▶ requires a government agency to make an annual report to the state auditor

16 regarding:

17           • the government agency's collection, use, and disclosure of personal identifying  
18 information;

19           • any misuse or improper disclosure of personal identifying information; and

20           • measures taken to notify individuals of any misuse or improper disclosure; and

21           ▶ requires the state auditor to post the annual reports, and a list of each government  
22 agency that fails to provide the report, on the state auditor's website.

23   **Money Appropriated in this Bill:**

24           None

25   **Other Special Clauses:**

26           None

27   **Utah Code Sections Affected:**



28 ENACTS:

29 **63F-5-101**, Utah Code Annotated 1953

30 **63F-5-102**, Utah Code Annotated 1953

31 **63F-5-103**, Utah Code Annotated 1953



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

34 Section 1. Section **63F-5-101** is enacted to read:

35 **CHAPTER 5. GOVERNMENT RECORDS TRANSPARENCY ACT**

36 **63F-5-101. Title.**

37 This chapter is known as "Government Records Transparency Act."

38 Section 2. Section **63F-5-102** is enacted to read:

39 **63F-5-102. Definitions.**

40 As used in this chapter:

41 (1) "Government agency" means an executive, legislative, or judicial office, agency,  
42 bureau, or department of the state or of a county, municipality, or other political subdivision of  
43 the state.

44 (2) "Personal identifying information" means an individual's:

45 (a) first name, middle name, first or middle initial, last name, or maiden name;

46 (b) alias or nickname, including a name used in childhood;

47 (c) photograph or image;

48 (d) social security number;

49 (e) medical or disability information;

50 (f) date of birth;

51 (g) place of birth;

52 (h) mother's maiden name;

53 (i) address;

54 (j) telephone number;

55 (k) personal characteristics;

56 (l) gender;

57 (m) driver license number;

58 (n) passport number;

- 59           (o) identification number;
- 60           (p) credit card number;
- 61           (q) financial account number;
- 62           (r) DNA; or
- 63           (s) other information that may be used to identify the individual.

64           (3) "Type of personal identifying information" means each type of information  
65 described in Subsection (2).

66           Section 3. Section **63F-5-103** is enacted to read:

67           **63F-5-103. Government agency personal identifying information report -- Public**  
68 **disclosure.**

69           (1) Each government agency shall annually, on or after December 1, and on or before  
70 December 31, upload a report to the state auditor, in a format specified by the state auditor,  
71 describing the collection, use, and disclosure of personal identifying information by the  
72 government agency for that year.

73           (2) The report shall include:

74           (a) a list of each type of personal identifying information collected, used, or disclosed;

75           (b) the statutory authority for collecting, using, or disclosing the personal identifying  
76 information;

77           (c) a description of how the personal identifying information is used by the government  
78 agency;

79           (d) a list of each entity, and a general description of the category of individuals, with  
80 which the government agency shares the personal identifying information;

81           (e) a list of each type of personal identifying information shared with each entity and  
82 category of individual described in Subsection (2)(d); and

83           (f) a list of each misuse or improper disclosure of personal identifying information by  
84 or from the government agency during that year, including for each:

85           (i) action taken to notify the individuals whose personal identifying information was  
86 improperly disclosed or used;

87           (ii) detail regarding any remedial measures taken to assist individuals whose personal  
88 identifying information was misused or improperly disclosed; and

89           (iii) detail regarding actions taken or proposed to prevent future misuse or improper

90 disclosure of personal identifying information.

91 (3) The state auditor shall:

92 (a) within 30 days after the day on which the state auditor receives a report described in  
93 Subsection (1), post the report on the state auditor's website; and

94 (b) on or before January 31 each year, post on the state auditor's website a list of each  
95 government agency that did not timely comply with the requirements of this section for the  
96 preceding year.

97 (4) Except for an annual report submitted in 2021, a government agency shall include  
98 in each annual report any information that was not included in the preceding year's report  
99 because the event occurred too late to be included in the preceding year's report.