



UTAH OFFICE *of*  
**DATA PRIVACY**

# Record Sharing

## VIRTUAL WORKSHOP

*The information in this presentation is provided as a resource to assist governmental entities and **does not constitute legal advice**. Governmental entities should consult with their legal counsel regarding this information.*

# LEARNING OBJECTIVES



01

**Identify** your duties in code

02

**Execute** lawful record sharing w/  
Governmental entities

03

**Comply** with GDPR restrictions and  
reporting

04

**Differentiate** between DSAs and  
MOUs

05

**Manage** Contractor and Vendor  
compliance

# GRAMA Definition

A **record** includes any documentary material regardless of its physical form or characteristics that is:

- prepared, owned, received, or retained by a governmental entity; and
- reproducible by mechanical or electronic means.

 A record includes **electronic data**.

[Utah Code 63G-2-103](#)



# Sharing with Other Governmental Entities



- The sharing provisions in GRAMA describe when records may be shared with another governmental entity.
- The sharing provisions specify:
  - **who** may receive records;
  - **why** records may be shared; and
  - **how** records may be shared.

# Required Sharing



The sharing provisions in GRAMA also describe when records **must** be shared.

Other state or federal statutes or rules may **authorize** or **limit** the disclosure or sharing of government records.

63G-2-107 & 63G-2-206

# GDPA Restrictions

A governmental entity may:

- only **share** personal data if permitted by law; and
- not **sell** personal data unless expressly required by law.



63A-19-401(3).



# Reporting Requirements

The annual **Privacy Program Report** must describe the governmental entity's sharing, selling, and purchasing of personal data.

VERSION 1.1

## PRIVACY PROGRAM REPORT TEMPLATE



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63A-19-401.3

# Notice to Receiving Entity



When sharing a record the originating entity must **notify** the receiving entity of:

- how the records are **classified**;  
and
- any **restrictions** on access.

A **receiving entity** is subject to the same restrictions as the **originating entity**.

63G-2-206(5)



VERSION 1.1

# PRIVACY NOTICE FOR COLLECTION OF PERSONAL DATA

(FROM AN INDIVIDUAL)

## TEMPLATE



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# Notice to Receiving Entity

# Limitations on Disclosure



A receiving entity may not provide a shared record in response to a records request.

The request must be denied and the receiving entity must send the requester back to the originating entity.

63G-2-204(2)

# Written Assurances



When sharing certain records the receiving entity must provide written assurance that the:

- records are necessary to the performance of their duties and functions;
- records will be used for a similar purpose; and
- use of the record produces a public benefit.

63G-2-206(2)



VERSION 1.1

# Written Assurances

## TEMPLATE



# Written Assurances

## 01

Some receiving entities must provide written assurance that the receiving entity will comply with the restrictions described in the notice.

## 02

The receiving entity may not disclose a record that was shared with them.

63G-2-206 & 63G-2-204

## DATA SHARING AGREEMENT (DSA)

When sharing electronic records or data the originating entity and receiving entity should enter into a DSA that describes:

- 01** Who can access the records
- 02** How the records may be used
- 03** how the records must be secured; and
- 04** the responsibilities of each party



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VERSION 1.1

# DATA SHARING AGREEMENT TEMPLATE



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# Data Sharing Agreement



A **DSA** relates to sharing records.

**VS**



A **MOU** relates to the provision of services.

# SHARING RECORDS WITH CONTRACTORS

A governmental entity **may share** records with a contractor if the records are:

**01** required to perform the contract;

**02** only used to perform the contract;

**03** not disclosed further; and

**04** not used for advertising.

63G-2-206

# Who is a Contractor?

Any person who:

- has entered into a contract with a governmental entity; and
- processes personal data on behalf of the governmental entity.

This **includes** a contractor's employees, agents, or subcontractors.

A vendor is a contractor



63A-19-101

# Requirements for Contractors



A contractor who processes personal data on behalf of a governmental entity **must comply** with the requirements in the GDPR the same as the governmental entity.

- A contract entered into or renewed after 7/1/27 must include these specific terms and conditions.



VERSION 1.1

# DATA PRIVACY TERMS AND CONDITIONS TEMPLATE



# Data Privacy Terms and Conditions

# Technology Terms and Conditions for State Agencies



## ATTACHMENT B: STATE OF UTAH STANDARD INFORMATION TECHNOLOGY TERMS AND CONDITIONS

This is for a contract of information technology products and services and must be accompanied by the State of Utah Standard Terms and Conditions for Goods and Services as Attachment A. In addition to the definitions in this Attachment B, the definitions in Attachment A apply to this attachment. If a term is defined in both Attachment A and Attachment B, the definition in Attachment B will govern. All policies referenced by number in this Attachment B are available at <https://dts.utah.gov/policies>. Other policies are available upon request.



# Record and Personal Data Sharing, Selling, or Purchasing



Practice 2.8

## Summary

The Governmental Records Access and Management Act (GRAMA) not only describes how government records are classified but also how those records may be disclosed or shared. There are other state and federal laws that may apply to the sharing of government records.

## Templates

Data Sharing Agreement - [Download DOCX](#)

Data Privacy Terms & Conditions - [Download DOCX](#)

## Authority

[Utah Code §§ 63A-19-401](#) , [63G-2-202](#) , [63A-19-401.4](#) and [63G-2-206](#)

### Legal Basis for Sharing Records with Other Governmental Entities

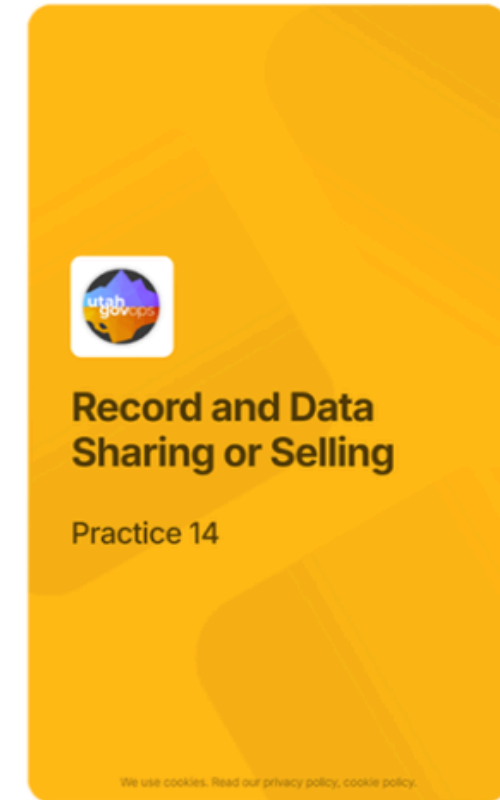
Utah Code § 63G-2-206(1), (2), and (3) provide three separate legal bases for sharing records with other governmental entities.

### Legal Basis for Sharing Records for Research Purposes

## Authority

[Utah Code §§ 63A-19-401](#) , [63G-2-206](#) , [Utah Code §§ 63A-19-401.4](#) and [63G-2-202](#)

## Microtraining



## Templates

Data Sharing Agreement [Download](#)

Data Privacy Terms & Conditions [Download](#)

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