

Data Privacy Amendments

[Legislative Session 2025 - HB0444S4](#)

Overview of Bill

This bill modifies provisions related to governmental data privacy and privacy oversight via the Government Data Privacy Act (GDPA).

Key highlights:

- Defines terms;
- Modifies requirements for privacy annotations and privacy notices;
- Modifies requirements for government website privacy notices;
- Modifies provisions related to data breach notification requirements;
- Renames and modifies duties of the state privacy auditor;
- Modifies enforcement provisions related to privacy requirements; and
- Makes technical and conforming changes.

Detailed Review of Key Legislative Changes

Division of Archives Statute (Title 63A, Chapter 12, Part 1)

- Clarifies the current requirement that each governmental entity is required to appoint a chief administrative officer (CAO) and indicates that the CAO is responsible to:
 - report the name of the governmental entity's CAO and records officers to Archives; and
 - ensure that the governmental entity complies with the data privacy requirements found in the Archives statute, the Government Records Access and Management Act, and the Government Data Privacy Act.
- Moves all the current requirements related to privacy annotations from Archives Statute to the Government Data Privacy Act.

Governmental Internet Information Privacy Act (Title 63D, Chapter 2)

- Moves the current requirements for a governmental entity to have a privacy statement on their website to the Government Data Privacy Act and moves the:
 - court website section to the Court's statute at 78A-2-233; and
 - authorized domain extension section to the Division of Technology Services statute at 63A-16-110.

Government Data Privacy Act (Title 63A, Chapter 19)

- Clarifies the State's Data Privacy Policy to explain that:
 - an individual has a fundamental interest in and inherent expectation of privacy regarding the individual's personal data; and

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- a governmental entity must process personal data in a manner consistent with this policy.
- Moves the Utah Privacy Commission's statute from Title 63C, Chapter 24 to the Government Data Privacy Act and updates the membership of the Commission.
- Describes that the Utah Office of Data Privacy is required to:
 - create a data privacy framework designed to assist governmental entities; and
 - work with governmental entities to study, research, and identify best practices regarding:
 - automated decision making;
 - the creation and use of synthetic, de-identified, or anonymized data; and
 - the use of website tracking technology.
- Allows the Office of Data Privacy to assist governmental entities by:
 - creating assessment tools and resources that a governmental entity may use to:
 - review, evaluate, and mature the governmental entity's privacy program, practices, and processing activities; and
 - evaluate the privacy impact, privacy risk, and privacy compliance of the governmental entity's privacy program, practices, and processing activities;
 - providing funding to assist a governmental entity to comply with all of the data privacy requirements; and
 - granting limited:
 - extensions of time for a governmental entity to comply with the data privacy requirements; or
 - exemptions for a governmental entity to comply with the data privacy requirements.
- Removes the requirement for governmental entities to have a fully mature privacy program in place by May 2025, instead they must initiate a privacy program by December 31, 2025.
- Removes the current reporting requirements for governmental entities and instead only requires governmental entities to prepare an internal privacy program report each year which will satisfy the requirement to initiate a privacy program.
- Clarifies the requirements for the completion of a data privacy training program.
- Moves the requirements for contractors and exempts them from the training requirements.
- Simplifies the privacy notice a governmental entity must provide to an individual if the personal data collected is a public record.
- Streamlines the website privacy notice, which was required by the Governmental Internet Information Privacy Act, so governmental entities are required to post information about an individual's privacy rights and any user data collected on the main webpage of their website.
- Allows a governmental entity to post a notice of a data breach on the governmental entity's website instead of providing a notice of a data breach directly to an affected person if the personal data involved in the data breach is a public record.

Government Records Access and Management Act (Title 63G, Chapter 2)

- Removes duplicate language already found in the Government Data Privacy Act which requires a state agency to file a statement related to personal identifying information.

State Auditor Statute (Sections 67-3-1 and 67-3-13)

- Changes the name of the State Privacy Officer to the State Privacy Auditor (SPA).
- Distinguishes the duties of the SPA from those of the ODP and gives the SPA the authority to audit all governmental entities, instead of just designated entities.