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MINUTES OF THE
PERSONAL PRIVACY OVERSIGHT COMMISSION MEETING

Wednesday, November 8, 2023 ▪ 1:00 p.m.
Virtual Meeting ▪ Anchor Location: Room 220, East Building, Utah Capitol Complex

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Participating Commission Members:

Commissioner Chris Koopman	Commissioner David N. Sonnenreich
Commissioner Phillip J. Windley	Commissioner J. Kent Millington
Commissioner Steve McCown	Commissioner Sam Smith
Commissioner Quinn Fowers	Commissioner L. Denise Farnsworth
Commissioner Brandon Greenwood	Commissioner Keith Squires
Commissioner Mike Smith	

Absent Commission Members:
Commissioner Josh Daniels

Other Attendees:
John Dougall, State Auditor
Whitney Phillips, State Privacy Officer
Mandy Teerlink, Office of the State Auditor
Brooke Russell, Office of the State Auditor
Christopher Bramwell, Chief Privacy Officer
Micah Vorwaller, Government Operations
Brian Nelson, Government Operations, Division of Technology Services
Lt. Aaron Thompson, Washington County Sheriff's Office
Boden Goulding, Provo Development Services, Parking and Mobility Management
Sandy Bussio, Provo Development Services, Parking and Mobility Management
Chief Brian Gwilliam, Lone Peak Police Department
Capt. Tanner Jensen, Utah Department of Public Safety
Leif Elder, Utah Department of Transportation
Nathan Lee, Utah Department of Transportation
Kenny Johnson, Utah Department of Natural Resources
Jeffrey Johnson, Utah System of Higher Education
Hilary Renshaw, Utah System of Higher Education
Katy Challis, Utah State Board of Education
David Spatafore, UCOPA
Shelly Teuscher

Note: A copy of the meeting materials and an audio recording of the meeting may be found on the Public Meeting Notice website under the Personal Privacy Oversight Commission (listed as a public body under the State/State Auditor) on the November 8, 2023 meeting. These minutes may refer to the recording found on the Public Notice Website with the approximate number on the recording where an issue is being discussed.

1. **Welcome**

   Chair Koopman called the meeting to order at 1:01 p.m.

2. **Approval of minutes of the September 20, 2023 meeting**

   Chair Koopman asked for a vote to approve the September 20, 2023 minutes.

   MOTION: Commissioner Farnsworth moved that the minutes of the September 20, 2023 meeting be

approved. The motion passed unanimously, with Commissioners Sonnenreich and Squires being absent. [Please refer to 00:04:00 in the recording to hear the motion.]

3. **License Plate Reader (LPR) Presentations**

Washington County Sheriff's Office

Lt. Aaron Thompson from the Washington County Sheriff's Office shared that Washington County currently has three different types of LPRs: Quick-Deploy, Mobile, and App-Based Scanners. Lt. Thompson discussed how these different types of LPRs are used and how those uses have changed under recent legislation.

Lt. Thompson also provided details about how data from the LPRs is stored, Memorandums of Understanding (MOUs) established for data sharing with other law enforcement agencies (including outside of the State), and how the data searches are audited.

Provo City Parking and Mobility Management

Boden Goulding and Sandy Bussio from Provo City explained how LPRs are used to detect vehicles breaking posted time limits and verify residential parking permits. In Provo, LPRs are only used to enforce parking time limits and other parking restrictions. They do not share their data with other entities or departments in Provo. They follow a 30-day retention schedule and use a virtual internal server built by the parking data management team.

Lone Peak Police Department

Chief Brian Gwilliam of the Lone Peak Police Department discussed the various uses of LPRs in Lone Peak, including providing evidence, as a force multiplier, and as a tool to aid in crime solving. Chief Gwilliam provided details on data retention, access, security, and encryption. He also discussed the department's efforts at transparency and how data is shared and monitored.

Utah Department of Public Safety (DPS)

Capt. Tanner Jensen of DPS talked about the DPS's research into adopting LPR technology, pending the completion of UDOT's permit approval process. As DPS adopts LPR technology, they do have concerns with privacy and data security. Capt. Jensen said that DPS will continue to assess how LPR usage will affect privacy, using the privacy impact assessment tool developed by the Chief Privacy Officer.

Utah Department of Transportation (UDOT)

Leif Elder of UDOT discussed how LPRs are currently being used in the state. Currently, LPRs are only used at points of entry into the state. However, UDOT is in the process of adopting LPRs for other purposes, such as toll roads and HOV lanes. UDOT is also in the process of developing rules for the use of the state rights of way for LPR use by other law enforcement agencies and government entities.

[Please refer to 00:05:42 to hear these presentations and discussions.]

4. **Privacy Legislation Concepts (Definitions, State Agencies Duties, Data Breach Notice, Data Privacy Ombudsman, Data Privacy Requests, Data Privacy Complaints)**

Representative Jefferson Moss and Chief Privacy Officer Christopher Bramwell provided an update on the Utah Government Privacy Act currently in development. The main purpose of the Act will be to create centralized legislation for all the various privacy-related duties of state agencies.

Commissioners Smith, Farnsworth, and Sonnenreich also presented multiple items that will be included in the bill, such as the creation of a privacy ombudsman and the expectations for reporting data breaches.

[Please refer to 01:25:15 to hear the discussion.]

5. **Data Collection Activities**

Utah Department of Transportation (UDOT)

Nathan Lee from UDOT presented on the types of Personally-Identifiable Information (PII) collected for transportation purposes and how that information is administered and protected. Commissioners questioned and discussed the possibility of transponders being used to enforce HOV lane usage.

Utah Department of Natural Resources (DNR)

Kenny Johnson from DNR presented on the data collection involved in hunting and fishing licenses in the state. DNR stated that it only collects the information necessary for the licensing process and for the type of license issued. DNR is planning to modernize its retention plans for all of their data so that they don't keep information longer than necessary.

[Please refer to 02:10:09 to hear the discussion.]

6. **Treatment Records – Utah System of Higher Education (USHE)**

Jeffrey Johnson and Hilary Renshaw from USHE discussed how treatment records are indirectly protected by FERPA. They also explained how the School Officials Permissive Exception applies to student treatment records, and how it's meant to protect students' privacy.

[Please refer to 02:28:00 to hear the discussion.]

7. **Commission Policy and Procedures**

Commissioner Farnsworth requested that the commissioners review proposed policies and procedures she provided before the next commission meeting. Commissioners can provide feedback to be discussed in the next meeting.

[Please refer to 03:07:45 to hear the discussion.]

8. **Other Business**

The next Commission meeting was scheduled for January 10, 2024 at 1pm.

9. **Adjourn**

Chair Koopman called for a motion to adjourn the meeting.

MOTION: Commissioner Millington moved to adjourn the meeting. The motion passed unanimously, with Commissioners Squires, Windley, and Greenwood being absent.