

Personal Privacy Oversight Commission Legislative Session 2024

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State Privacy Officer
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2024 Legislative Session

- S.B. 232 Minor Data Protection Amendments
- S.B. 104 Children's Device Protection Act
- H.B. 118 Prohibition of Production of Private Keys
- H.B. 257 Sex-based Designations for Privacy, Anti-bullying, and Women's Opportunities

Privacy specific:

- S.B. 98 Online Data Security and Privacy Amendments
- H.B. 349 Personal Identifying Information in Government Records
- H.B. 491 Data Privacy Amendments



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S.B. 104 Children's Device Protection Act

1. Requires an automatically enabled filter of a device upon activation by a minor.
2. Permits the attorney general to bring civil actions against manufacturers of devices
3. Permits private civil actions by parents and guardians of minors against manufacturers and others who violate provisions of this bill; and
4. Makes it a criminal offense, with the exception of a parent or legal guardian, to enable the removal of the filter on a device in the possession of a minor.

Concerns: What data is collected to verify age and parent/custodian?



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S.B. 232 Minor Data Protection Amendments

Amends Protection of
Personal Information Act

A person who conducts business or offers services in the state, including educational services or healthcare, that collects or maintains the personal information of a minor, shall implement and maintain reasonable procedures to:

(a) prevent unlawful use or disclosure of a minor's personal information collected or maintained in the regular course of business, including:

- (i) endpoint detection and response;
- (ii) multi-factor authentication; and
- (iii) zero trust architecture; and

(b) destroy, or arrange for the destruction of, records containing a minor's personal information that will not be retained by the person.

Concerns: What data is collected to verify age and parent/custodian?



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H.B. 118

Prohibition of Production of Private Keys

(b) A person may be compelled in a civil, criminal, administrative, legislative, or other lawful proceeding in the state to produce a private key if a public key is unavailable or unable to disclose the information requested to be obtained.

(2) A person may be compelled by court order to:

(a) produce, sell, transfer, convey, or disclose a digital asset, digital identity, or other interest or right to which a private key provides access; or

(b) disclose information about the digital asset, digital identity, or other interest or right.

Concerns: Potential exposure to probing under 4th and 5th amendments to the U.S. Constitution



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H.B. 257
Sex-based
Designations for
Privacy, Anti-
bullying, and
Women's
Opportunities

General Description:

This bill establishes a standard regarding distinctions on the basis of sex and applies the standard in certain facilities and opportunities where designations on the basis of sex address individual privacy, bullying, and women's opportunities.

Concerns: Potential over-surveillance and sensitive data collection in order for government entities to report allegations of certain criminal offenses to law enforcement.



S.B. 98 Online Data Security and Privacy Amendments

1. Describes a person's breach notification responsibilities to the Utah Cyber Center; and
2. Describes a governmental entity's reporting responsibilities to the Utah Cyber Center.

Note: Coordination with H.B. 491 was drafted to in order to mitigate potential conflict in the bills.



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H.B. 349 Personal Identifying Information in Government Records

1. Defines personal identifying information (PII);
2. Prohibits the disclosure of PII (except to the extent expressly provided in this bill);
3. Requires a governmental entity to provide notice when PII is, under certain circumstances, disclosed to a health care provider;
4. Classifies a record that contains personal identifying information as a private record;
5. Makes it a class A misdemeanor to intentionally and unlawfully disclose, or obtain access to, personal identifying information;

Note: Recommending coordination with H.B. 491.



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H.B. 491 Data Privacy Amendments

1. Creates governmental entity duties related to personal data privacy, including:
 - breach notification;
 - limits on data collection and use; and
 - the ability to correct and access personal data;
2. Creates the state data privacy policy that outlines the broad data privacy goals for the state;
3. Creates the Utah Privacy Governing Board to recommend changes in the state data privacy policy;
4. Establishes the Office of Data Privacy to coordinate implementation of privacy protections; and
5. Renames the Personal Privacy Oversight Commission to the Utah Privacy Commission and amends the commission's duties.

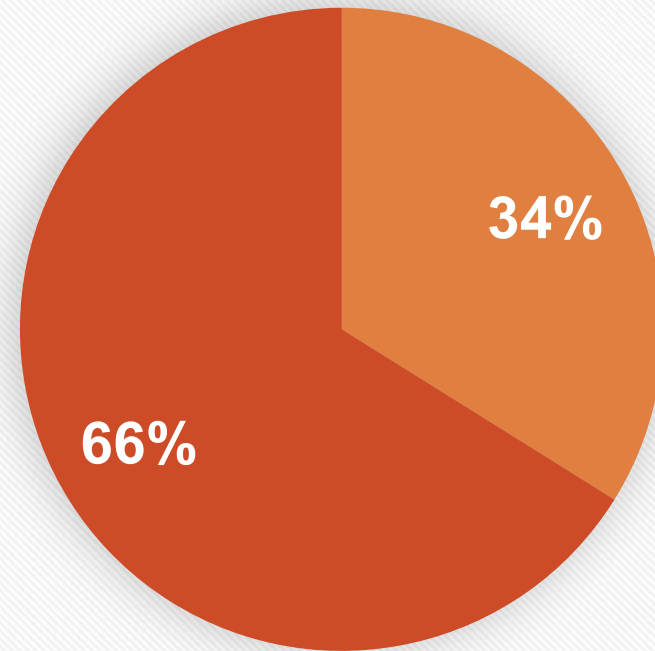
Concerns: More regulation without sufficient support; especially for local government.



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January 30, 2024
600+ entities sent
notices of non-
compliance

Privacy Policy Statement



■ Compliant ■ Non-compliant



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January 30, 2024-
February 13, 2024

345 email exchanges

63 phone calls

6 text messages

39 new privacy policy statements
reviewed

tears > 0



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