

**MINUTES OF THE
PERSONAL PRIVACY OVERSIGHT COMMISSION MEETING**

Wednesday, February 14, 2024 ▪ 12:00 p.m.
Virtual Meeting ▪ Anchor Location: Room 220, East Building, Utah Capitol Complex

Participating Commission Members:

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

Other Attendees:

John Dougall, State Auditor
Whitney Phillips, State Privacy Officer
Mandy Teerlink, Office of the State Auditor
Tauna MacPherson, Office of the State Auditor
Christopher Bramwell, Chief Privacy Officer
Micah Vorwaller, Government Operations
Brian Nelson, Government Operations, Division of Technology Services
Representative Jefferson Moss
Representative Judy Rohner
Maryann Christensen, Executive Director of Legislative Watch
Jeffrey Johnson
Brett Nedick, Attorney General's Office
Lana Taylor, Attorney General's Office
Katie Mazzie, Utah System of Higher Education
Elizabeth Sexton
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 February 14, 2024 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 12:02 p.m.

2. Approval of minutes of the January 10, 2024 meeting

Chair Koopman asked for a vote to approve the January 10, 2024 minutes.

MOTION: Commissioner Sonnenreich moved that the minutes of the January 10, 2024 meeting be approved. The motion passed unanimously, with Commissioner Daniels being absent. [Please refer to 00:00:30 in the recording to hear the motion.]

3. Discussion of Bills Related to Privacy

a. SB 104 – Children's Device Protection Act

- i. Dr. Whitney Phillips briefly discussed the bill and how it requires filtering capabilities on devices used by minors. Dr. Phillips mentioned that it's not yet clear how the data collected from these devices will be held and protected.
 - ii. [Please refer to 00:02:30 to hear the discussion.]
- b. SB 232 – Minor Data Protection
 - i. Dr. Whitney Phillips introduced the concept of this bill and provided a brief outline of its aims.
 - ii. Senator Winterton presented the bill as a possible solution to protect minors when there are data breaches and other informational leaks. He also stated that he was open to any feedback that the Commission could provide, and that the bill was likely to undergo some revision before being voted on in the legislative session.
 - iii. [Please refer to 00:03:15 and 01:00:50 to hear the discussion.]
- c. HB 118 – Prohibition of Production of Private Keys
 - i. Dr. Phillips introduced the bill and invited Commissioner McCown to explain how encryptions work and the effect the bill would have on them. Dr. Phillips also discussed concerns for constitutional violations the bill could cause.
 - ii. Commissioners McCown and Smith discussed some issues with the wording of the bill, regarding how encryption keys work. Dr. Phillips was asked to coordinate contact between the commissioners and the bill sponsors to ensure it would have the intended legal effect.
 - iii. [Please refer to 00:04:13 and 01:27:19 to hear the discussion.]
- d. HB 491 – Data Privacy Amendments
 - i. Representative Moss and Mr. Bramwell presented this bill and discussed the main changes it will have on privacy in the State of Utah, such as creating the position of a privacy ombudsman and the office of data privacy, as well as a privacy governing board.
 - ii. The bill also establishes a breach policy and procedure, requiring every state agency and entity to have a data privacy statement. There were also significant changes to the nature of the Personal Privacy Oversight Commission, including a requirement to meet more frequently and a name change.
 - iii. During discussion of the bill, Commissioner Millington raised concerns about the ability of local governments to adhere to the new privacy standards, as well as the risk of private litigation if those entities failed to reach the new standards by the effective date.
 - iv. [Please refer to 00:25:00 and 01:32:58 to hear the discussion.]
- e. HB 349 – Personal Identifying Information in Government Records
 - i. Representative Rohner presented this bill and discussed the bill's role as a way to raise awareness for certain privacy issues, including the State's handling of sensitive personal information. The bill is intended to create better boundaries for private information use and create a framework for those boundaries.
 - ii. [Please refer to 00:54:50 to hear the discussion.]
- f. Further discussion and proposed actions
 - i. The Commission discussed which actions should be taken in light of the bills presented. Commissioner Daniels suggested putting the bills into the context of the privacy principles adopted by the Commission. The Commission ultimately decided to focus on HB 491, since it would have the largest impact on the issue of privacy and the Commission itself.
 - ii. [Please refer to 01:09:00 to hear the discussion.]

MOTION:

Chair Koopman moved to form an ad hoc committee of Commissioners Daniels, Smith, McCown, and Daniels to coordinate with the bill sponsors of HB 118 and provide recommendations for changes. Commissioner Daniels subbed the motion. The motion passed unanimously with Commissioners Squires and Windley being absent.

[Please refer to 01:28:30 to hear the motion.]

MOTION:

Commissioner Sonnenreich moved to have the Commission express support for the privacy principles within HB 491. Commissioner Daniels subbed the motion, specifying concerns about the timeline for implementation of the bill. The motion passed unanimously with Commissioners Squires, Windley, and Smith being absent.

[Please refer to 02:09:30 to hear the motion.]

4. Adjourn

Chair Koopman called for a motion to adjourn the meeting.

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

PENDING