COMMISSIONERS' MINUTES – DAVIS COUNTY

WORK SESSION MEETING MINUTES
Monday, April 22, 2024

The Board of Davis County Commissioners met for a Work Session at 9:00 AM on Monday, April 22, 2024, in room 306 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Required legal notice of this meeting was given.

All documents from this meeting are on file in the Davis County Clerk's Office. The agenda for this meeting is incorporated into the minutes as item headers.

DISCLAIMER
The meeting was an open dialogue. Critical points in the discussion have only been briefly summarized. The reader may refer to the audio recording and the publicly distributed materials for further clarification of the content. Timestamps have been noted in the minutes to aid in locating points of discussion in the audio record. The audio recording for this meeting is available based upon the County's current retention schedule.

ROLL CALL

Chair Bob J Stevenson
Vice Chair Randy B. Elliott
Commissioner Lorene Miner Kamalu
County Clerk Brian McKenzie
Chief Deputy Clerk Rebecca Abbott
County Auditor Curtis Koch
Chief Deputy Civil Attorney Neal Geddes
Human Resources and Risk Management Director Chris Bone
Human Resources Deputy Director John Robinson
Library Director Josh Johnson
Information Services Director Mark Langston
Information Services Deputy Director Mike Pace
Commission Office Manager Shauna Brady
Deputy Clerk Becky Wright

OPENING
The meeting convened at 9:02 AM.

AGENDA ITEMS

1. #282/2024**. A Work Session to discuss requirements of HB491 Data Privacy Amendments and receive direction from the Commission on their implementation** — *presented by Brian McKenzie, County Clerk*

(Minute 0:44) Brian McKenzie, Davis County Clerk, said HB491 was passed by the Utah State Legislature in its last session. The bill enacts the Government Data Privacy Act, which is focused on personal data defined as "information that is linked or can be reasonably linked to an identified individual or an identifiable individual." The bill impacts all Davis County Government departments. Some parts of the bill are required to be implemented in May of 2024, and other parts have a delayed implementation dates.

Clerk McKenzie shared slides to highlight the following provisions of HB491:

- It creates the state data privacy policy, establishing that the individual citizen has a fundamental interest and inherent expectation of privacy regarding the personal data that they turn over to a government entity.
- It creates the Privacy Governing Board, which is a state board. It was noted that the Utah Association of Counties (UAC) had issues with this bill because local governments do not have a seat on that board. Auditor Koch explained it is a big issue, as people making decisions for county and city governments don't know how local governments operate.
- It establishes the Office of Data Privacy and renames the Privacy Commission.
- It describes governmental entity duties to personal data privacy.

Clerk McKenzie said governmental entity duties to personal data privacy is where the bill most impacts the County. Because of provisions in the bill, Davis County will be required to:

- establish a privacy program that includes such things as how the County will handle breach notifications and how it is going to identify processes in which personal data is being collected or utilized
- be prepared for notifications for any kind of breach of personal data
- limit collection of personal data to what the County is statutorily authorized to collect
- facilitate and track the training of every employee who handles personal data, using a training to be provided by the State Privacy Commission, with new employees completing training within a certain number of days after being hired and existing employees completing the training annually

- identify all "processes" within every office in which personal data is being collected
- send an annual report to the State identifying the County's processes and ensuring the County is in compliance with the law; compliance will include a notice posted in all offices, and made available to citizens at the time data is requested, explaining why information is being collected, what the County does with the information, who the information is shared with, and what happens if the citizen doesn't want to give the information
- include language in new and renewed agreements, after the bill effective date, to ensure contractors are aware of their obligations regarding personal data privacy.

(Minute 7:07) Clerk McKenzie said HB491 is great legislation, but implementation will be a heavy lift. The bill caught Clerk McKenzie's attention because it touches on records, but it does not fall under his current records responsibilities. He said questions to consider are: How is the County going to move forward? Who's going to be responsible? How is the program going to be rolled out to departments? What is the organization of this going to look like? He mentioned he had put a proposal together mirroring what was established with the County's Government Records Access and Management Act (GRAMA) ordinance, with blanks to be filled in, and had shared it with Commissioners and Attorneys.

Neal Geddes, Chief Civil Deputy Attorney, said the first priority is to identify all of the County's processing activities, because that is the first deadline and it will help shape the privacy program. He said information about the bill requirements should come from the Commissioners to the various departments. Commissioner Stevenson asked Shauna Brady, Commission Office Manager, to schedule time in a Directors Meeting for Clerk McKenzie to present information about the bill.

Mark Langston, Information Services (IS) Director, said departments will need to rethink data collection and why they are doing it, and information sharing will also require care. Generally, information can't be used for a purpose different than the reason it was originally collected without notifying the data owners.

Commissioner Stevenson asked whether the County needs to create a new position or appoint someone from Human Resources or Information Systems to implement and oversee the County's privacy program. Clerk McKenzie said Commissioners would be wise to assign someone to be in charge who will have time and resources to focus on and coordinate the program. The GRAMA ordinance structure has one person over the program, with an assigned specialist in each department to help facilitate. Whoever is over the program will need to coordinate with HR, IS, and the Clerk's Records Division.

(Minute 16:00) Deadlines imposed by the bill were discussed. A privacy plan must be in place by May 2025. New processes must be in compliance by May 2024, and processes already in place must be in compliance by 2027.

Commissioner Stevenson asked if the privacy program is anticipated to be a lot of work up front and then settle into maintenance by departments. Clerk McKenzie gave the opinion that it would be a heavy lift for implementation, and then ongoing work for employee training and annual compliance reporting. Director Langston added that there will need to be a public interface portal for access to modify data.

Auditor Curtis Koch said the County is going to need an expert, because the liability is significant. Commissioners asked about the background needed to be a privacy expert or whether someone could learn to fill the role. They were informed the State has hired two privacy officers – an attorney and a privacy officer from the education field. The assigned person will need to be able to think broadly and get into the details.

Chris Bone, Human Resources and Risk Director, recommended hiring or appointing a specialist to have a coordinated effort rather than expecting every department to take care of its own compliance.

(Minute 22:04) Commissioner Stevenson asked Director Bone, Clerk McKenzie, Chief Civil Deputy Attorney Geddes, Commissioner Elliott, and Director Langston to work together and return to the Commission with a proposal in two weeks.

Commissioner Stevenson asked Clerk McKenzie to send everyone in the room a copy of the HB491 information he provided to Commissioners. He also suggested the Clerk to reach out to neighboring counties to see if they have plans for implementing the bill's provisions. Clerk McKenzie said he had already spoken with colleagues around the state, and it doesn't appear other counties have solutions they are currently working on.

MEETING ADJOURNED

The meeting was adjourned at 9:32 AM.

COMMISSIONERS' MINUTES – DAVIS COUNTY

ATTACHMENTS
There are no publicly distributed materials associated with this meeting.

Minutes Prepared by:

Becky R. Wright
Deputy Clerk

Brian McKenzie
Davis County Clerk

Minutes Approved on:

05/14/2024

Bob J Stevenson
Commission Chair

STATE OF UTAH
DAVIS COUNTY

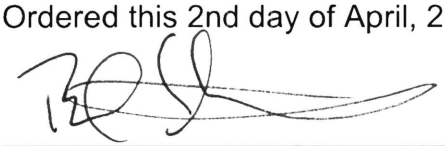
An Order Calling a Special Meeting of the Board of Davis County Commissioners

In accordance with Utah Code 17-53-205, it has been determined that the business of the county requires a special meeting of the Board of Davis County Commissioners.

This meeting will be held on April 22, 2024 at the Davis County Administration Building, 61 South Main Street, Farmington, Room 314 at 9:00 am.

The business to be transacted at this meeting includes: Discussion requirements of HB491 - Data Privacy Amendments and receive direction from the Commission on their implementation.

Ordered this 2nd day of April, 2024



Bob Stevenson, Chair