

UTAH PRIVACY COMMISSION

FY 2025 Data Privacy Agenda and Report

The Utah Privacy Commission (“Commission”) issues this Data Privacy Agenda and Report for fiscal year 2025 and provides the same to the Utah Privacy Governing Board, pursuant to Utah Code §§ 63C-24-202(1) and (4).

Governmental Privacy Practices to be Reviewed: Because the Utah Government Data Privacy Act is new, the primary goal of the Commission will be to educate itself with respect to compliance pathways for governmental entities, and broad compliance concerns (e.g. regarding timing and resources), with less of an emphasis on specific entity privacy practices. For example, we will work with the Office of Data Privacy on developing a standard Privacy Impact Assessment for state agencies, including in the area of deployment of emerging AI technologies, and on privacy policy templates for state agencies. Although our focus will be at this more general foundational level, we will continue to investigate some specific practices and areas of concern. In particular, we plan to continue our investigation into the use of casual surveillance techniques such as CCTV cameras and license plate reading technologies.

Educational and Training Materials: Various stakeholders are developing or refining educational and training materials. These include the Office of Data Privacy, the State Privacy Officer, the Utah Cybersecurity Commission, the Utah Cyber Center, the Office of the Attorney General, and others. The Commission will review these materials as they are developed and will include a summary of the status of their development and any perceived areas of need for additional materials in the Commission’s annual report to the Judiciary Interim Committee. In addition, individual Commissioners may lecture, write articles, or participate on panels as a means of increasing public awareness of the Utah Government Data Privacy Act and other aspects of Utah’s privacy policies.

Other Items: In addition to other items mentioned in this report, the Commission intends to do the following:

- Participate in proposed legislation, by creating a subcommittee to report at each meeting of the Commission which will track legislative initiatives and bill drafting, and by having individual Commissioners participate where appropriate in legislative drafting groups, particularly in the area of refining the Government Data Privacy Act and coordinating privacy laws with the Government Records Access and Management Act;
- Focus with the guidance of the State Privacy Officer on emerging challenges faced by local governments in complying with the Utah Governmental Data Privacy Act and other mandates;
- Focus with the guidance of the Chief Privacy Officer and the Office of Data Privacy on emerging challenges faced by state agencies in complying the Utah Governmental Data Privacy Act and other mandates;

- Evaluate the resources currently available to, and the additional resource needs of, over one thousand governmental agencies as they come into compliance with the Government Data Privacy Act and other data privacy laws;
- Evaluate the privacy risks associated with emerging AI technology and the guardrails that can be established to minimize those risks; and
- Discuss the privacy implications of government data breaches and incident response pathways in light of the new reporting requirements with representatives from the Utah Cyber Center and the Office of the Attorney General.

Best Practices and Guiding Principles: We will be examining standardized privacy policies that are currently being created by the Office of Data Privacy, the State Privacy Officer, the Utah Cybersecurity Commission, the Utah Cyber Center, the Office of the Attorney General, and other guiding stakeholders. Where appropriate, individual Commissioners may participate in the development of privacy standards and privacy impact assessments with those stakeholders. As with the training materials, we will give a status update in our annual report to the Judiciary Interim Committee.

Because HB 491 significantly altered the Commission's duties and reporting requirements, the Commission will not be in a position to report on data privacy practice reviews from the previous year as such reviews were not standardized, nor can the Commission make specific recommendations by June 1st regarding data privacy legislation or best practices. Those elements will be included in next year's report.

Adopted by unanimous vote of the Utah Privacy Commission on Wednesday, May 22, 2024.